



# भारत का राजपत्र The Gazette of India

प्रतिभार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं. 50] नई दिल्ली, शनिवार, दिसम्बर 10, 1994/अग्रहायण 19, 1916  
No. 50] NEW DELHI, SATURDAY, DECEMBER 10, 1994/AGRAHAYANA 19, 1916

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में  
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a  
separate compilation

## भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेशों और अधिसूचनाएँ  
Statutory Orders and Notifications Issued by the Ministries of the Government of India  
(other than the Ministry of Defence)

गृह मंत्रालय  
(पुनर्वास प्रभाग)

नई दिल्ली, 14 नवम्बर, 1994

का.आ. 3426:—1980 के अधिनियम 61 तथा 1984 के अधिनियम 35 के शीर्षक में संशोधित लोक परिसर (अनधिकृत दखलदारों की वेदखली) अधिनियम, 1971 (1971 के 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्वारा पुनर्वास प्रभाग, गृह मंत्रालय में अवर सचिव श्री आर.एस. आहुजा को सरकार का राजपत्रित अधिकारी होने के नाते उक्त अधिनियम के उद्देश्य के लिए संपदा अधिकारी नियुक्त करती है। वे राष्ट्रीय राजधानी क्षेत्र, दिल्ली में प्लॉट सं. ई-51-52, कर्ति नगर, नई दिल्ली में स्थित लोक परिसर के सम्बन्ध में उक्त अधिनियम के अन्तर्गत इन शक्तियों का प्रयोग करेंगे तथा कार्यों का निष्पादन करेंगे।

[सं. —1 (8)/94—बंदोबस्त]  
पी.के. शर्मा, निदेशक

MINISTRY OF HOME AFFAIRS

(Rehabilitation Division)

New Delhi, the 14th November, 1994

S.O. 3426.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971) as amended by Act 61 of 1980 and Act 35 of 1984, the Central Government hereby appoints Shri R. S. Ahuja, Under Secretary, Rehabilitation Division, Ministry of Home Affairs, being a Gazetted Officer of the Government, to be an Estate Officer for the purpose of the said Act. He shall exercise the powers and perform the duties of an Estate Officer under the said Act in respect of Public Premises, situated at the Plot No. E-51-52, Kirti Nagar, New Delhi in the National Capital Territory of Delhi.

[No. 1(8)/94—Settlement]  
P. K. SHARMA, Director

नई दिल्ली, 15 नवम्बर, 1994

का.आ 3427:—विस्थापित व्यक्ति (प्रतिकर एवं पुनर्वास) अधिनियम, 1954 (अधिनियम 1954 की संख्या 44) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्वारा राष्ट्रीय राजधानी क्षेत्र, दिल्ली सरकार के भूमि एवं भवन विभाग में संयुक्त सचिव श्री जी. श्रीवास्तव को संयुक्त सचिव के रूप में अपने स्वयं के दायित्वों के अतिरिक्त राष्ट्रीय राजधानी क्षेत्र दिल्ली में स्थित निष्क्रान्त शहरी एवं ग्रामीण सम्पत्तियों तथा भूमियों के प्रबंध और निपटान के सम्बन्ध में उक्त अधिनियम के द्वारा अथवा उसके अधीन, उन मुख्य बन्दोबस्त आयुक्त के रूप में उन्हें सौंपे गए कार्यों के निष्पादन के उद्देश्य से उपमुख्य बन्दोबस्त आयुक्त नियुक्त करती है।

[सं. 1 (6)/93-बंदोबस्त (क)]

आर.एस. आहुजा, अवसर सचिव

New Delhi, the 15th November, 1994

S.O. 3427.—In exercise of the powers conferred by Sub-section (1) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (Act No. 44 of 1954), the Central Government hereby appoints Shri G. Srivastava, Joint Secretary in the Land & Building Department, Government of National Capital Territory of Delhi, as Deputy Chief Settlement Commissioner for the purposes of performing, in addition to his own duties as Joint Secretary, the functions assigned to him as a Deputy Chief Settlement Commissioner by or under the aforesaid Act in respect of the management and disposal of evacuee urban and rural properties and lands situated in the National Capital Territory of Delhi.

[No. 1(6)/93-Settlement(A)]

R. S. AHUJA, Under Secy.

नई दिल्ली, 15 नवम्बर, 1994

का.आ 3428:—निष्क्रान्त संपत्ति प्रबंध अधिनियम, 1950 (अधिनियम 1950 की संख्या 31) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा राष्ट्रीय राजधानी क्षेत्र, दिल्ली सरकार के भूमि एवं भवन विभाग में संयुक्त सचिव श्री जी. श्रीवास्तव को संयुक्त सचिव के रूप में उनके स्वयं के दायित्वों के अतिरिक्त राष्ट्रीय राजधानी क्षेत्र में स्थित निष्क्रान्त शहरी तथा ग्रामीण सम्पत्तियों तथा भूमि के प्रबंध एवं निपटान के सम्बन्ध में उक्त अधिनियम के द्वारा अथवा उसके अधीन सहायक महाभिरक्षक के रूप में उन्हें सौंपे गए कार्यों के निष्पादन के उद्देश्य से उन्हें सहायक महाभिरक्षक नियुक्त करती है।

[संख्या 1 (6)/93-बंदोबस्त (ग)]

आर.एस. आहुजा, अवसर सचिव

New Delhi, the 15th November, 1994

S.O. 3428.—In exercise of the powers conferred by Section 5 of the Administration of Evacuee Property Act, 1950 (Act No. 31 of 1950), the Central Government hereby appoints Shri G. Srivastava, Joint Secretary in the Land and Building Department, Government of National Capital Territory of

Delhi as Assistant Custodian General for the purpose of performing, in addition to his own duties as Joint Secretary, the functions assigned to him as Assistant Custodian General by or under the aforesaid Act, in respect of management and disposal of evacuee urban and rural properties and land situated in the National Capital Territory of Delhi.

[No. 1(6)/93-SETTLEMENT (C)]

R. S. AHUJA, Under Secy.

नई दिल्ली, 15 नवम्बर, 1994

का.आ 3429:—निष्क्रान्त संपत्ति प्रबंध अधिनियम, 1950 (अधिनियम 1950 की संख्या 31) की धारा 55 की उप-धारा 3 द्वारा मुझे महाभिरक्षक के रूप में प्रदत्त शक्तियों का प्रयोग करते हुए मैं, सुबीर दत्ता, महाभिरक्षक एतद्वारा अधिसूचना सं. 1(6)/93-बंदोबस्त (ग) दिनांक 26-10-94 द्वारा सहायक महाभिरक्षक के रूप में नियुक्त राष्ट्रीय राजधानी क्षेत्र, दिल्ली सरकार के भूमि एवं भवन विभाग में संयुक्त सचिव श्री जी. श्रीवास्तव को महाभिरक्षक की निम्नलिखित शक्तियाँ सौंपता हूँ:—

- (1) उक्त अधिनियम की धारा 24 के अन्तर्गत अपील सुनने की शक्तियाँ।
- (2) उक्त अधिनियम की धारा 27 के अन्तर्गत पुनरीक्षण करने की शक्तियाँ।
- (3) अधिनियम की धारा 10(2)(b) के अन्तर्गत किसी निष्क्रान्त संपत्ति के हस्तांतरण के अनुमोदन की शक्ति।
- (4) निष्क्रान्त संपत्ति प्रबंध अधिनियम (केन्द्रीय) नियम 1950 के नियम 30-क के अन्तर्गत भागियों के हस्तांतरण की शक्ति।

[संख्या 1(6)/93-बंदोबस्त (घ)]

सुबीर दत्ता, महाभिरक्षक

New Delhi, the 15th November, 1994

S.O. 3429.—In exercise of the powers conferred on me as Custodian General by Sub-section (3) of Section 55 of the Administration of Evacuee Property Act, 1950 (Act No. 31 of 1950), I, Subir Dutta, Custodian General, hereby delegate to Shri G. Srivastava, Joint Secretary in the Land and Building Department, Government of National Capital Territory of Delhi appointed as Assistant Custodian General vide Notification No. 1(6)/93-Settlement (C), dated the 26th October, 1994 the following powers of the Custodian General:—

- (i) Powers under Section 24 of the said Act to hear appeals;
- (ii) Powers of revision under Section 27 of the said Act;
- (iii) Power of approval of transfer of any evacuee property under Section 10(2)(b) of the Act;
- (iv) Power of transfer of cases under Rule 30-A of Administration of Evacuee Property Act, (Central) Rules, 1950.

[No. 1(6)/93-SETTLEMENT (D)]

SUBIR DUTTA, Custodian General

नई दिल्ली, 15 नवम्बर, 1994

New Delhi, the 24th November, 1994

का० आ० 3430.—विस्थापित व्यक्ति (प्रतिकर एवं पुनर्वास) अधिनियम, 1954 (अधिनियम 1954 की संख्या 44) की धारा 34 का उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैं सुबीर दत्ता, मुख्य बन्दोबस्त आयुक्त एतद्वारा दिनांक 26-10-94 की अधिसूचना सं० 1(6)/93 बन्दोबस्त (क) के तहत उप मुख्य बन्दोबस्त आयुक्त के रूप में नियुक्त राष्ट्रीय राजधानी क्षेत्र, दिल्ली सरकार के भूमि एवं भवन विभाग में संयुक्त सचिव श्री जी. श्रीवास्तव को मुख्य बन्दोबस्त आयुक्त को निम्नलिखित शक्तियाँ सौंपता हूँ:—

- (i) उक्त अधिनियम की धारा 23 के अंतर्गत अपील सुनने की शक्तियाँ।
- (ii) उक्त अधिनियम की धारा 24 के अंतर्गत पुनरीक्षण करने की शक्तियाँ।
- (iii) उक्त अधिनियम की धारा 28 के अंतर्गत मामलों को हस्तांतरण करने की शक्तियाँ।

[संख्या 1 (6)/93-बन्दोबस्त (ख)]

सुबीर दत्ता, मुख्य बन्दोबस्त आयुक्त

New Delhi, the 15th November, 1994

S.O. 3430.—In exercise of powers conferred by Sub-section (2) of Section 34 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (Act No. 44 of 1954), I, Subir Dutta, Chief Settlement Commissioner, hereby delegate to Shri G. Srivastava, Joint Secretary in the Land and Building Department, Government of National Capital Territory of Delhi, appointed as Deputy Chief Settlement Commissioner, vide Notification No. 1(6)/93-Settlement (A) dated the 26th October, 1994 the following powers of the Chief Settlement Commissioner:—

- (i) Powers to hear appeals under Section 23 of the said Act.
- (ii) Powers to hear revisions under Section 24 of the said Act.
- (iii) Powers to transfer cases under Section 28 of the said Act.

[No. 1(6)/93-SETTLEMENT (B)]

SUBIR DUTTA, Chief Settlement Commissioner

नई दिल्ली, 24 नवम्बर, 1994

का.आ. 3431.—केन्द्रीय सरकार, सरकारी स्थान (अप्राधिकृत अधिभोगियों को फेरबाल) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए दिनांक 1-3-94 से सहायक निदेशक (एडम), समतुल्य आसूचना ब्यूरो, जयपुर को जो सरकार के राजपत्रित अधिकारी हैं, उक्त अधिनियम के प्रयोजनों के लिए सम्पदा अधिकारी नियुक्त करती है और यह निर्देश देती है कि उक्त अधिकारी, समतुल्य आसूचना ब्यूरो, जयपुर के निम्नलिखित सभी सरकारी वास-सुविधा के सम्बन्ध में उक्त अधिनियम द्वारा या उसके अधीन सम्पदा अधिकारी को प्रदत्त शक्तियों का प्रयोग और अधिरोपित कर्तव्यों का पालन करेगा।

[सं.-1/सी-2/94 (जयपुर) जी.इन./एफ.पी.-V-6319]

एन.के. सिन्हा, निदेशक

S.O. 3431.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints Assistant Director (Admn.), Subsidiary Intelligence Bureau, Jaipur being a Gazetted Officer of the Government, to be the Estate Officer w.e.f. June 1, 1994 for the purposes of the said Act and directs that the said officer shall exercise the powers conferred and perform the duties, imposed on the Estate Officer by or under the said Act, in respect of all Government accommodation at Jaipur under the control of SIB, Jaipur.

[No. 1/CII/94(JPR)Genl/FP.V-6319]

N. K. SINHA, Director

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 26 अक्टूबर, 1994

(आयकर)

का.आ. 3432.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-न) के उपखंड (V) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "दि इन्स्टीट्यूट ऑफ दि फेसिस्टेशन मिशनरीज आफ मेरी, गोलार्द्धी नं.-14, तमिलनाडु (ओटादामुण्ड)" को कर-निर्धारण वर्ष 1990-91 से 1992-93 तक के लिए निम्नलिखित शर्तों के अध्वधीन रखे हुए उक्त उपखंड के प्रयोगार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा-11 की उप-धारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जैवर-प्रवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में खर्चिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसी कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 9636/फा.सं. 197/106/94-आयकर नि.-I)]

माधना पवाडिया, प्रवर सचिव

## MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 26th October, 1994

## (INCOME-TAX)

S.O. 3432.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "The Institute of the Franciscan Missionaries of Mary, Society No. 14, Tamil Nadu (Ootacamund)" for the purpose of the said sub-clause for the assessment years 1990-91 to 1992-93 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9636/F. No. 197/106/94-ITA-I]

SADHNA PAVADIA, Under Secy.

नई दिल्ली, 10 नवम्बर, 1994

आयकर

का.आ. 3433.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (V) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "श्रीमान महाराज निरंजन जगद्गुरु श्री मलिकार्जुन मुरुधा राजेन्द्र महास्वामीजी, श्री बरूहानमठ, चित्तदुर्ग, कर्नाटक" को कर-निर्धारण वर्ष 1992-93 से 1994-95 तक के लिए निम्नलिखित शर्तों के अध्वधीन रखते हुए उक्त उपखण्ड के प्रयोजनार्थ अधिमूचित करती है, अर्थात्:—

- (i) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिमूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभि-

साम के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हों।

[अधिमूचना सं. 9637/फा.सं. 197/73/94-आयकर नि.-I]

साधना पवाडिया, अवर सचिव

New Delhi, the 10th November, 1994

## (INCOME-TAX)

S.O. 3433.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Sri Manmaharaja Niranjana Jagadguru Sri Mallikarguna, Murugharajendra Mahaswamiji, Sri Bruhanmatha, Chitradurga, Karnataka" for the purpose of the said sub-clause for the assessment years 1992-93 to 1994-95 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9637/F. No. 197/73/94-ITA-I]

SADHNA PAVADIA, Under Secy.

आदेश

नई दिल्ली, 22 नवम्बर, 1994

स्टाम्प

का.आ. 3434.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) खड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा, उस शुल्क को माफ करती है जो न्यूक्लीयर पावर कॉर्पोरेशन ऑफ इंडिया लिमिटेड, बम्बई द्वारा जारी किए जाने वाले मात्र एक सौ उनतालीस करोड़ रुपये के कुल मूल्य के प्रत्येक एक-एक हजार के मुक्षित विमोक्ष्य बैंक-संचयी VI श्रृंखला (कराधेय) बांडों के रूप में वर्णित प्रोमिसरी नोटों की स्वरूप के बांडों पर उक्त अधिनियम के अंतर्गत प्रभावी है।

[सं. 31/94-स्टाम्प-फा.सं. 33/11/94-वि.क.]

मात्माराम, अवर सचिव

## ORDER

New Delhi, the 22nd November, 1994

## STAMPS

S.O. 3434.—In exercise of the powers conferred by clause (u) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds in the nature of Promissory Notes—described as Secured Redeemable Non-cumulative Vith Series (Taxable) Bonds of rupees one thousand each of the total value of rupees one hundred thirty nine crores only to be issued by the Nuclear Power Corporation of India Limited, Bombay are chargeable under the said Act.

[No. 31/94-Stamps-F. No. 33/11/94-ST.]

ATMA RAM, Under Secy.

## वाणिज्य मंत्रालय

नई दिल्ली, 21 नवम्बर, 1994

क्र.आ. 3435.—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स पेस्ट एलर्ट कैमिकल्स (प्रा.) लि. डोर नं. 41-8-2, कामिशियल रोड, काकोनाडा को सेल रहित चावल को भूसी और हड्डियों का चूरा, सोंग तथा खुरों का निर्यात से पूर्व धूम्रोकरण करने के लिए इस अधिनियम के प्रकाशन की तारीख से तीन वर्षों की अवधि के लिए काकोनाडा में निम्नलिखित शर्तों के अंगीकार करने हेतु, अभिकरण के रूप में मान्यता प्रदान करती है, अर्थात्:—

- (1) मैसर्स पेस्ट एलर्ट कैमिकल्स (प्रा.) लि., काकोनाडा तीन रहित चावल को भूसी के निर्यात (निरीक्षण) नियम, 1966 के नियम 4 के अधिनियम (4) के अधीन हड्डियों का चूरा, सोंग तथा खुरों के निर्यात (निरीक्षण) नियम, 1977 के नियम 5 के अंतर्गत धूम्रोकरण का प्रमाण पत्र देने के लिए उक्त अभिकरण द्वारा अपनाई गयी पद्धति को आचरण करने के लिए इस संवर्ध में निर्यात निरीक्षण परिषद् द्वारा मनोनीत किसी भी अधिकारी को पर्याप्त सुविधाएं देगी।
- (2) मैसर्स पेस्ट एलर्ट एंड कैमिकल्स (प्रा.) लि. इस अधिसूचना के अधीन अपने कृत्यों के पालन में निदेशक (निरीक्षण एवं क्वालिटी नियंत्रण) द्वारा समय-समय पर लिखित में दिए गए सभी निर्देशों से आध्य रहेंगे।
- (3) मैसर्स पेस्ट एलर्ट एंड कैमिकल्स (प्रा.) लि. को केवल एस्पूमिनियम फास्फाईड का धूम्रोकरण के रूप में प्रयोग करने की अनुमति दी जाएगी।
- (4) मैसर्स पेस्ट एलर्ट एंड कैमिकल्स (प्रा.) लि. श्री एम. एच. राव या श्री एम.एस. कुण्णा के पर्यवेक्षण में धूम्रोकरण के कृत्यों को करते रहेंगे।

[फाईल सं. 5/28/94-ई.आई.एंड ई.पी.]

कुमारी सुमा सुब्बणा, निदेशक

## MINISTRY OF COMMERCE

New Delhi the 21st November, 1994

S.O. 3435.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises, for a period of three years from the date of publication of this Notification, M/s. Pest Alert and Chemicals (P) Ltd., Door No. 41-8-2, Commercial Road, Kakinada as an agency for fumigation of De-oiled Rice Bran and Crushed Bones, Horns and Hooves, prior to export at Kakinada, subject to following conditions, namely:—

- that M/s. Pest Alert and Chemicals (P) Ltd., Kakinada shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of fumigation followed by them in granting the certificate of fumigation under rule 4 of sub-rule (4) of the Export of De-oiled Rice Bran (Inspection) Rules, 1966 and rule 5 of the Export of Crushed Bones, Horns and Hooves (Inspection) Rules, 1977.
- that M/s. Pest Alert and Chemicals (P) Ltd., Kakinada in the performance of their function under the notification shall be bound by such directives as the Director (Inspection and Quality Control) may give in writing from time to time.
- that M/s. Pest Alert and Chemicals (P) Ltd., Kakinada shall use only Aluminium Phosphide as fumigant.
- that M/s. Pest Alert and Chemicals (P) Ltd., Kakinada shall carry out such fumigation under supervision of either Shri M. H. Rao or Shri M. S. Krishna.

[File No. 5/28/94-EI&amp;EP]

KUM. SUMA SUBBANNA, Director

## मानव संसाधन विकास मंत्रालय

(संस्कृति विभाग)

नई दिल्ली, 16 नवम्बर, 1994

क्र.आ. 3436.—केन्द्रीय सरकार राजभाषा (संव के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1776 के नियम 10 के उप-नियम (4) के अनुसरण में मानव संसाधन विकास मंत्रालय, संस्कृति विभाग के अधीन निम्नलिखित कार्यालय को, जिसके 80% से अधिक कर्मचारियों ने हिंदी का कार्य-साधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है:—

- (1) कार्यालय, अधीक्षक पुरातत्त्वविद्, भारतीय पुरातत्व सर्वेक्षण, मंदिर सर्वेक्षण परियोजना (उत्तर) ओपाल।

[सं. 1-1/93-हिंदी]

शिव नारायण सिंह, उप-सचिव

MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(Department of Culture)

New Delhi, the 16th November, 1994

S.O. 3436.—In pursuance of sub-rule (4) of Rule 10 of the Official Language (use for official purpose of the Union) Rules, 1976, the Central Government hereby notifies the following office under the Ministry of Human Resource Development, Department of Culture, more than 80 per cent staff of which has acquired working knowledge of Hindi:—

Office of the Superintending Archaeologist,  
Archaeological Survey of India,  
Mandir Survey Project (Northern),  
Bhopal.

[No. 1-1/93-Hindi]

SHEO NARAYAN SINGH, Dy. Secy.

MINISTRY OF COAL  
CORRIGENDUM

New Delhi, the 17th November, 1994

S.O. 3437.—In the notification of the Government of India in the Ministry of Coal number S.O. 1852, dated the 17th June, 1994, published at pages 2704 to 2707 of the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 6th August, 1994, at page 2706, in paragraph 4, in line 2, for "bor" read "bore".

[No. 43015/18/89-LSW]  
N. BHAGAT, Director

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 21 नवंबर, 1994

का.प्रा. 3438.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में एन. पी. जी. प्लांट गंधार से एन. टी. पी. सी. जनोर तक पेट्रोलियम के परिवहन के लिये पाईपलाईन गैस अथॉरिटी ऑफ इंडिया लि. द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाईनों को बिछाने के प्रयोजनों के लिये प्रादेशिक अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाईपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करी इहं केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आणख्य एतद्वारा घोषित किया है।

बशर्ते कि उस भूमि में तब तक कोई व्यक्ति, उस भूमि के नीचे पाईप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, गैस अथॉरिटी ऑफ इंडिया लि. दार्ज बिल्डिंग, आर.सी. दत्त रोड, वडोदरा को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टता यह भी कथन करेगा कि क्या वह चाहता है कि उसकी व्यक्तिगत सुनवाई हो या किसी विधि व्यवसायी की मार्फत।

SCHEDULE

Gas-pipe Line From LPG Plant Gandhar to N.T.P.C. Zanor

State : Gujarat

Distt. : Bharuch

Taluka : Amod.

Village	Sr. No. /Block No.	Area		
		Hectare	Are	Centiare
Samni	151	0	03	33
	WBM Road	0	00	90
	172	0	04	30

[No. L-14016/01/93—G.P.]  
ARDHENDU SEN, Director

अनुसूची

गैस पाईपलाईन एल. पी. जी. प्लांट, गंधार से एन. टी. पी. सी. जनोर

राज्य : गुजरात

जिला : भरुच

तालुका : आमोद

गांव

सर्वेक्षण संख्या/  
ब्लॉक संख्या

क्षेत्रफल

हेक्टेयर एचअर सेंटीयर

1	2	3/1	3/2	3/3
समनी	151	0	03	33
	ब्ल्यू बी. एम. रोड	0	00	90
	172	0	08	30

[सं. एन-14016/01/93-जी.पी.]

अर्धेन्दु सेन, निदेशक

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 21st November, 1994

S.O. 3438.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport form LPG Plant Gandhar to NTPC-Zanor in Gujarat State pipeline should be laid by the Gas Authority of India Ltd.

And, whereas, it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., Darpan Building, R.C. Dutt Road, Vadodara-5.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

नई दिल्ली, 21 नवम्बर, 1994

अनुसूची

का.आ. 3439.—यतः गैस अथॉरिटी ऑफ इंडिया लिमिटेड बड़ोदरा द्वारा पेट्रोलियम और प्राकृतिक गैस मंत्रालय और खनिज पाईप लाईन (भूमि में उपयोग का अधिकार का अर्जन) अधिनियम 1962 के क्लॉज 6(1) के अनुसार नीचे अनुसूची में दिये गये गांवों में गैस पाईप लाईन डालने के अधिकार को अर्जित किया था और इस अधिनियम की क्लॉज 7(1) की उपधारा 1 के अनुसार यह पाईप लाईन डालने का काम नीचे अनुसूची में दिये हुए ग्रामों में दिनांक 30 अप्रैल, 1994 को पूरा हो गया।

मैं, सी. एम. मोची, सक्षम अधिकारी, गैस अथॉरिटी ऑफ इंडिया लिमिटेड, बड़ोदरा, गुजरात राज्य पेट्रोलियम और खनिज पाईप लाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1963 के नियम 4(1) के अधीन यह अधिसूचित करता हूँ कि नीचे दिए हुए दिनांक इन गांवों में गैस पाईप लाईन डालने का काम पूरा कर हुआ यह दिनांक दिखाती है।

राज्य : गुजरात		जिला : भरुच	
क्र.सं.	गांव का नाम	तहसील	कार्य पूरा होने की तारीख
01.	जनोर	भरुच	30-04-94
02.	डभाली	"	30-04-94
03.	उमरा	"	30-04-94
04.	कविठा	"	30-04-94
05.	सामलोद	"	30-04-94
06.	हलदरवा	"	30-04-94
07.	ओसारा	"	30-04-94
08.	लुवारा	"	30-04-94
09.	वैगुसना	"	30-04-94
10.	चावज	"	30-04-94
11.	वदडला	"	30-04-94
12.	रहाडपोर	"	30-04-94

[सं. एल-14016/01/93 जी. पी.]]

अर्धेन्दु सेन, निदेशक

New Delhi, the 21st November, 1994

S.O. 3439.—Whereas Gas Authority of India Ltd., Baroda has acquired the right of user under Section 6(i) of the Petroleum and Mineral Pipelines (Acquisition of Right of User in land) Act, 1962 for laying the gas pipeline from GNFC Bharuch to M/s NTPC Zanor in the village mentioned in the schedule given below & has completed the laying of pipeline as referred to in clause 1 of section 7(i) of the said act in the following villages on 30-4-94.

I, C.M. Mochi, Competent Authority, GAIL, Gujarat State hereby notify under rule 4(i) of the Petroleum and Minerals Pipelines (Acquisition of Right of User in land) Rules 1963, the above mentioned date as the date of termination of operation for laying the pipeline in these villages.

## SCHEDULE

State: Gujarat

Distt. : Bharuch

S.No.	Name of Village	Tehsil	Date of Termination of the operation
01.	Zanor	Bharuch	30-04-94
02.	Dabhali	"	30-04-94
03.	Umra	"	30-04-94
04.	Kav' tha	"	30-04-94
05.	Samlod	"	30-04-94
06.	Halderva	"	30-04-94
07.	Osara	"	30-04-94
08.	Luwara	"	30-04-94
09.	Vagusana	"	30-04-94
10.	Chavaj	"	30-04-94
11.	Vadadala	"	30-04-94
12.	Rahadpor	"	30-04-94

[No. L-14016/01/93 GP  
ARDHENDU SEN, Director

## (प्राकृतिक गैस विभाग)

## अनुसूची

नई दिल्ली, 24 नवंबर, 1994

श्वेत धरमतर गैस पाईप लाईन परियोजना, महाराष्ट्र राज्य,  
जिला—रायगढ़, तहसील—अलिबाग

का.प्र. 3440.—यतः पेट्रोलियम और खनिजवाइन लाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 30) धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और केमिकल्स मंत्रालय, प्राकृतिक गैस विभाग को अधिसूचना का.प्र.सं. 347 तारीख 29-1-94 द्वारा भारत सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार का पाईप लाईन को बिछाने के प्रयोजन के लिए अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और हूँ यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में हूँ विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का निश्चय किया है।

अब यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाईप लाईन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे इस धारा की उपधारा (4) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए केन्द्रीय सरकार निवेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय गैस अथॉरिटी ऑफ इंडिया लिमिटेड, 16, भीकाजी कामा प्लेस, रिंग रोड, नई दिल्ली-110 066, में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की तारीख से निहित होगा।

गांव	सर्वे नंबर	हिसा नंबर	गट नंबर	क्षेत्र		
				हेक्टेयर	भार	सेंटीभार
बहिरोले	—	—	205 पैकी	00	03	20
				00	03	20

[सं० एल. 14016/6/93/जी.पी.]

अर्धेन्दु सेन, निदेशक

(Department of Petroleum and Natural Gas)

New Delhi, the 24th November, 1994

S.O. 3440.—Whereas by Notification of the Government of India in the Ministry of Petroleum and Natural Gas, S.O. No. 347 dated 29-1-94 under sub-section 1 of section 3 of the Petroleum and Minerals Pipe Lines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the Rights of User in the lands specified in the schedule appended to that Notification for the purpose of laying Gas Pipe Line.

And, whereas, the Competent Authority has under sub-section (1) of section 6 of the said Act submitted report to the Government.

And, further, whereas the Central Government has after considering the said report, decided to acquire the Right of User in the lands specified in the schedule appended to this Notification.

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this Notification is hereby acquired for laying the pipe line.

And, further, in exercise of powers conferred by sub-section (4) of the section 6 of the Central Government directs that the Right of User in the said lands shall instead of vesting of in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd., 16, Bhikaji Cama Place, R. K. Puram, Ring Road, New Delhi-110066 free from encumbrances.

## SCHEDULE

Tahsil-Alibag

District-Raigad

Maharashtra State

Village	Survey Number	Hissa Number	Block Number	Area		
				H.	Are.	C. Are.
Bahirole	—	—	205 Part	00	03	20
			Total	00	03	20

[No. L-14016/6/93—GP]

ARDHENDU SEN, Director



नई दिल्ली, 24 नवंबर, 1994

का.आ. 3441.—यतः केन्द्र सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि महाराष्ट्र राज्य, जिला रायगढ़ में मौजे आर.सी.एफ. थल, तहसील अलिबाग से मौजे धरमतर, तहसील पेण तक नैसर्गिक गैस परिवहन के लिए पाइपलाइन मैसर्स गैस अथॉरिटी ऑफ इंडिया लिमिटेड (भारत सरकार का उपक्रम), 16, भीकाजी कामा प्लेस, नई दिल्ली 110 006 द्वारा बिछाई जानी चाहिए ;

और यतः यह प्रतीत होता है कि ऐसी पाइपलाइन को बिछाने के प्रयोजन के लिए एतदुपाय अनुसूचि में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है ;

अतः अब पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधागा (1) द्वारा प्रदत्त शक्तियों का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है ;

वर्तते कि उक्त भूमि में हितवद्ध कोई भी व्यक्ति उस भूमि के नीचे पाइपलाइन बिछाने के विरोध में अपनी आपत्ति सक्षम अधिकारी गैस अथॉरिटी ऑफ इंडिया लिमिटेड, "सायली" श्री बाग नं. 2, अलिबाग के सक्षम इस अधिसूचना की तारीख से 21 दिनों के भीतर दर्ज करा सकेगा ;

और ऐसी आपत्ति दर्ज करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत स्वरूप में हो अथवा किसी विधि व्यवसायक के माध्यम से।

## अनुसूची

## थल-धरमतर गैस पाइप लाइन परियोजना

राज्य : महाराष्ट्र

जिला : रायगढ़

तहसील : अलिबाग

गांव	स.नं. हस्ता नं.	क्षेत्रफल	
		हेक्टर	अर. सेन्टीअर
1. मुडाल	मुडाल ग्राम स. नं. 8 के हद्द से मुनवली ग्राम हद्द तक (स. नं. 23 तक)	00	28 - 80
2. मुनवली	मुडाल ग्राम हद्द स. नं. 22/6 से सोगांव हद्द स. नं. 17/3 तक	00	52 - 70
3. सोगांव	मुनवली ग्राम हद्द से (सोगांव स. नं. 54/1 तक) सोगांव स. नं. 30 नाले तक	01	24 - 60
4. परहूर	बहिरोले ग्राम हद्द से (सं. नं. 21) तलबडे ग्राम हद्द तक (सं. नं. 22 तक)	00	71 - 50
5. भिसराई	परहूर ग्राम हद्द से (सं. सं. 22/1) से परहूर ग्राम हद्द तक (सं. नं. 31/1)	00	47 - 60
6. तलबडे	परहूर हद्द से (सं. नं. 22) से भायमाला हद्द तक (स. नं. 85/अ)	00	86 - 80
7. भायमाला	तलबडे ग्राम हद्द से (स. सं. 37) से कामालें ग्राम हद्द तक (स. नं. 7) नाले तक	00	64 - 50
8. कामालें	भायमाला ग्राम हद्द से (स. नं. 142) से बाघोली ग्राम हद्द तक (पी-61) स. नं. 32 तक	00	66 - 60
9. बाघोली	कामालें ग्राम हद्द से (पी-61) स. नं. 32 से कोपर अप्रोच रास्ता तक स. नं. 9 तक	00	70 - 30
10. कोपर	बाघोली ग्राम हद्द से (अप्रोच रोड सं. नं. 40) से चरी ग्राम हद्द (पी-68) तक	00	33 - 90
11. चरी	कोपर ग्राम हद्द से (ग.नं. 68) से गट नं. 106 (पी-69-ए) तक	00	25 - 20

[सं. ओ. 14016/6/93-जीपी]

अर्थेन्दु सेन, निदेशक

New Delhi, the 24th November, 1994

S.O. 3441.—Whereas it appears to the Central Government that it is necessary in public interest that for the transport of Natural Gas from RCF Thal, Tahasil-Alibag, District-Raigad to Dharamtar (NDIL) Tahsil Pen, District-Raigad in the State of Maharashtra a pipeline should be laid by the Gas Authority of India Ltd., 16, Bhikaji Cama Place, R. K. Puram, Ring Road, New Delhi-110066;

And, whereas, it appears to the Central Government that for the purpose of laying such pipeline it is necessary to acquire the Right of User in the lands described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (i) of section 3 of the Petroleum and Minerals

Pipe Line (Acquisition of Right of User in the Lands) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the Right of User in the lands referred there in the schedule;

Provided that any person interested in the said lands having any objection for laying the pipe lines through the said lands may prefer any objection within 21 days from the date of Notification to the Competent Authority, Gas Authority of India Ltd., Thal-Dharamtar Gas Pipe Line Project, 'Sayali' Shribag No.-2, Alibag, At and Post, Tahasil-Alibag, District-Raigad Maharashtra State.

And every person making such an objection shall state specifically whether he wishes to be heard in person or by a legal practitioner.

## SCHEDULE

## Thal-Dharamtar Gas Pipe Line Project

State : Maharashtra		District : Raigad	Tahasil : Alibag		
Village	Survey No.	Hissa No.	Area under ROU		
			H.	Are.	C. Are.
1. Tudal	Border of Tudal Village S. No. 8 to Munavali Village border (S.No. 23).		00	28	80
2. Munavali	Border of Tudal village S.No. 22/6 to border of Sogaon village up to S.No. 17/3.		00	52	70
3. Sogaon	From the Border of Munavali village (From Sogaon S.No. 54/1) to Sogaon S.No. 30 and up to Nala.		01	24	60
4. Parhur	From the border of Bahirole village (S.No. 21) up to border of Talavade village up to (S.No. 22).		00	71	50
5. Bhisrai	From the border of Parhur Village (S. No. 22/1) up to Parhur village border (S. No. 31/1).		00	47	60
6. Talvade	From the border of Parhur village (From S. No. 22/4) to Bhaimala village border (S. No. 85/A).		00	86	80
7. Bhaimala	From the border of Talavade village (S. No. 37) up to Kamarle village border (S. No. 7) up to Nala.		00	65	50
8. Kamarle	From the border of Bhaimala village (S. No. 142) up to Wagholi village border (P-61) up to (S. No. 32).		00	66	60
9. Wagholi	From the border of Kamarle village (P-61) S. No. 32 up to Koper Approach Road up to S. No. 9.		00	70	30
10. Koper	From the border of Wagholi village (From Approach Road S. No. 40) to the border of Chari village up to (P-68).		00	33	90
11. Chari	From the border of Koper village (Gut No. 68) up to Gut No. 106 up to (P-69A).		00	25	20

[No. O-14016/6/93—G.P.]

ARDHENDU SEN, Director

नई दिल्ली, 24 नवम्बर, 1994

का.आ. 3442.— यतः केन्द्र सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि महाराष्ट्र राज्य, जिला रायगढ़ में मौजे आर.सी.एफ. थल, तहसील-अलीबाग से मौजे धरमतार, तहसील पेण तक नैसर्गिक गैस परिवहन के लिए पाइप लाइन मैनेज गैस अथॉरिटी आफ इंडिया लिमिटेड (भारत सरकार का उपक्रम), 16, भीकाजी कामा प्लेस, नई दिल्ली 110066 द्वारा बिछाई जानी चाहिए;

और यतः यह प्रतीत होता है कि ऐसी पाइपलाइन को बिछाने के प्रयोजन के लिए एतद्प्राबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः, अब, पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) को धारा 3 को उपधारा (1) द्वारा प्रदत्त शक्तियों का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बाशर्त कि उक्त भूमि में हितबद्ध कोई भी व्यक्ति उस भूमि के नीचे पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम अधिकारी, गैस अथॉरिटी आफ इंडिया लिमिटेड, 'सायली', श्रीबाग नं. 2, अलिबाग के समक्ष इस अधिसूचना की तारीख से 21 दिनों के भीतर दर्ज करा सकेगा।

और ऐसी आपत्ति दर्ज करने वाला हर व्यक्ति विनिश्चितः यह भी कथन करेगा कि वह चाहता है कि उसकी गुनवाई व्यक्तिगत स्वरूप में हो अथवा किसी विधि व्यवसायक के माध्यम से हो।

## अनुसूची

आर.सी.एफ. थल-धरामतार गैस पाइप लाइन परियोजना

राज्य : महाराष्ट्र

जिला : रायगड

तहसील : अलिबाग

गांव	सर्वे नम्बर	हिस्सा नम्बर	गुट नम्बर	क्षेत्रफल		
				हैक्टर	आर.	सेन्टीआर
तुडाल	2	5 भाग	—	00	—	02 — 50
	2	1 भाग	—	00	—	00 — 20

[सं. ओ.-14016/6/93-जी पी]

अर्धेन्द्र सेन, निदेशक

New Delhi, the 24th November, 1994

S.O. 3442.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Natural Gas from RCF Thal, Tehsil-Alibag, District-Raigad, to Dharamtar (NDIL) Tehsil-Pen, District-Raigad in the state of Maharashtra a pipe line should be laid by the Gas Authority of India Ltd., 16, Bhikaji Cama Place, R. K. Puram, Ring Road, New Delhi-110066.

And, whereas, it appears to the Central Government that for the purpose of laying such pipe line it is necessary to acquire the Right of User in the lands described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (i) of section 3 of the Petroleum and Minerals

Pipeline (Acquisition of Right of User in the Lands) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the Right of User in the lands referred there in the schedule;

Provided that any person interested in the said lands having any objection for laying the pipe lines through the said lands may prefer any objection within 21 days from the date of Notification to the Competent Authority, Gas Authority of India Ltd. Thal-Dharamtar Gas Pipe Line Project, 'Sayali' Shriabag No. 2, Alibag, At and Post Tehsil-Alibag, District-Raigad, Maharashtra.

And every person making such an objection shall state specifically whether he wishes to be heard in person or by a legal practitioner.

## SCHEDULE

## Thal-Dharamtar Gas Pipe Line Project

State : Maharashtra

District : Raigad

Tehsil : Alibag

Village	Survey Number	Hissa Number	Gut Number	Area		
				H.	Are.	C. Are.
Tudal	2	5 Part	—	00	02	50
	2	1 Part	—	00	00	20

[No. O-14016/6/93—GP]

ARDHENDU SEN, Director

स्वास्थ्य और परिवार कल्याण मंत्रालय

नई दिल्ली, 17 नवम्बर, 1994

(स्वास्थ्य विभाग)

आदेश

नई दिल्ली, 17 नवम्बर, 1994

का.आ. 3443:—कैम्ब्रिज विश्वविद्यालय, यूनाइटेड किंगडम द्वारा प्रदान की गई एम.बी.बी.सी.एच. आयुर्विज्ञान अर्हता, भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) के प्रयोजन के लिए एक मान्यताप्राप्त आयुर्विज्ञान अर्हता है और डा. राजकुमार रामासामी जिसके पास उक्त अर्हता है, इस समय पूर्ण कार्य के लिए क्रिश्चियन फेलोशिप अस्पताल, आडानचाट्रम, अन्ना जिला से संलग्न है ;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 14 की उपधारा (1) के खण्ड (ग) के अनुसरण में,—

- (1) इस अधिसूचना के जारी करने की तारीख से एक वर्ष की अवधि, या
- (2) उस अवधि को, जिसके दौरान डा. राजकुमार रामासामी, क्रिश्चियन फेलोशिप अस्पताल, आडानचाट्रम, अन्ना जिला से संलग्न है,

इन दोनों में से जो भी कम हो, ऐसी अवधि के रूप में विनिर्दिष्ट करती है, जिस तक उक्त डाक्टर द्वारा चिकित्सा व्यवसाय सीमित होगा ।

[संख्या वी.-11016/11/94-एम.ई. (यू. जी.)]

एस.के. मिश्रा, डेस्क अधिकारी

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

ORDER

New Delhi, the 17th November, 1994

S.O. 3443.—Whereas the medical qualification M.B.B.Ch. granted by the Cambridge University, U.K. is a recognised medical qualification for the purposes of the Indian Medical Council Act, 1956 (102 of 1956) and whereas D. Rajkumar Ramasamy who possesses the said qualification is at present attached to Christian Fellowship Hospital, Oodanchatram, Anna District for charitable work ;

Now, therefore in pursuance of clause (c) of sub-section (1) of section 14 of the said Act, the Central Government hereby specifies—

- (1) for a period of one year from the date of issue of this notification, or
- (2) a period during which Dr. Rajkumar Ramasamy is attached to Christian Fellowship Hospital, Oodanchatram, Anna District,

whichever is shorter, as the period to which the medical practice by the said Doctor shall be limited.

[No. V. 11016/11/94-ME(UG)]

S. K. MISHRA, Desk Officer

का.आ. 3444:—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 7 की उपधारा (4) के साथ पठित धारा 3 की उपधारा (1) के खंड (ख) के उपबंधों के अनुसरण में, डा. डब्ल्यू.के. बेलोकर की गोवा विश्वविद्यालय की सभा द्वारा डा. वी.जे. मैनटैरी के स्थान पर 9 सितंबर, 1996 तक की शेष अवधि के लिए भारतीय आयुर्विज्ञान परिषद् का सदस्य निर्वाचित किया गया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (4) के साथ पठित धारा 3 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार के स्वास्थ्य और परिवार कल्याण मंत्रालय की अधिसूचना सं. का.आ. 138, तारीख 9 जनवरी, 1960 में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में “धारा 3 की उपधारा (1) के खंड (ख) के अधीन निर्वाचित ” शीर्ष के नीचे क्रम संख्यांक 65 और उससे संबंधित प्रविष्टि के स्थान पर निम्नलिखित क्रम संख्यांक और प्रविष्टि रखी जाएगी, अर्थात् :—

“65. डा. डब्ल्यू.के. बेलोकर  
संकायाध्यक्ष,  
गोवा मेडिकल कालेज,  
गोवा ।”

[सं.वी. 11013/29/94-एम ई (यू जी)]

एस के. मिश्रा, डेस्क अधिकारी

New Delhi, the 17th November, 1994

S.O. 3444.—Whereas in pursuance of the provisions of clause (b) of sub-section (1) of section 3 read with sub-section (4) of section 7 of the Indian Medical Council Act, 1956 (102 of 1956), Dr. W. K. Belokar, has been elected by the Court of Goa University to be a member of the Medical Council of India in place of Dr. V. J. Monteiro for the remainder of the term upto ninth September, 1996 ;

Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of section 3 read with sub-section (4) of section 7 of the said Act, the Central Government hereby makes the following further amendments in the notification of Government of India in the Ministry of Health and Family Welfare number S.O. 138 dated 9th January, 1960, namely :—

In the said notification, under the heading “Elected under clause (b) of sub-section (1) of section 3” for serial number 65 and the entry relating thereto, the following serial number and entry shall be substituted, namely :—

“65. Dr. W. K. Belokar,  
Dean,  
Goa Medical College,  
Goa.”

[No. V. 11013/29/94-ME(UG)]

S. K. MISHRA, Desk Officer

## आदेश

## वस्त्र मंत्रालय

नई दिल्ली, 17 नवम्बर, 1994

नई दिल्ली, 16 नवम्बर, 1994

का.आ. 3445:- सेकेंड मास्को स्टेट मेडिकल इंस्टिट्यूट यू एस एस आर द्वारा प्रदान की गई एम डी (फिजिशियन) आयुर्विज्ञान अर्हता, भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) के प्रयोजन के लिए एक मान्यता प्राप्त आयुर्विज्ञान अर्हता है :

श्रीर डा. तामरा आसकर, जिसके पास उक्त अर्हता है इस समय पूर्व कार्य के लिए भारतीय कैंसर सोसाइटी सोलापुर से संलग्न है ;

अतः अब, केंद्रीय सरकार, उक्त अधिनियम की धारा 14 की उपधारा (1) के खण्ड (ग) के अनुसरण में,

(1) इस अधिसूचना के जारी करने की तारीख से एक वर्ष की अवधि, या

(2) उस अवधि को जिसके दौरान डा. तामरा आसकर, भारतीय कैंसर सोसाइटी, सोलापुर से संलग्न है ।

इन दोनों में से जो भी कम हो, ऐसी अवधि के रूप में विनिर्दिष्ट करती है, जिस तक उक्त डाक्टर द्वारा चिकित्सा व्यवसाय सीमित होगा ।

[संख्यां बी. 11016/6/94-एम ई (यू जी)]  
एस.के. मिश्रा, डेस्क अधिकारी

## ORDER

New Delhi, the 17th November, 1994

S.O. 3445.—Whereas the medical qualification M.D. (Physician) granted by 2nd Moscow State Medical Institute, U.S.S.R. is a recognised medical qualification for the purpose of the Indian Medical Council Act, 1956 (102 of 1956);

And, whereas, Dr. Tamara Ausekar who possesses the said qualification is at present attached to Indian Cancer Society, Solapur, for charitable work;

Now, therefore, in pursuance of clause (c) of sub-section (1) of section 14 of the said Act, the Central Government hereby specifies,

(1) the period of one year from the date of issue of this notification, or

(2) the period during which Dr. Tamara Ausekar is attached to Indian Cancer Society, Solapur.

whichever is shorter, as the period to which the medical practice by the said doctor shall be limited.

[No. V. 11016/6/94-ME(UG)]

S. K. MISHRA, Desk Officer

का.आ. 3446:- केंद्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम 4 के अनुसरण में वस्त्र मंत्रालय के अन्तर्गत आने वाले निम्नलिखित कार्यालयों को जिनमें 80% कर्मचारी बृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती हैं :-

1. क्षेत्रीय कार्यालय, एनटीसी (डी पी आर) लि., 14, मध्या मार्ग, सेक्टर 26, चंडीगढ़ ।

2. क्षेत्रीय कार्यालय, एन टी सी (डी पी आर) लि. 71/4, नजफगढ़ रोड, नई दिल्ली-15

3. क्षेत्रीय कार्यालय, एन टी सी (डी पी आर) लि., मंगल भवन, संसार चंद्र रोड, जयपुर

[सं. ई-11016/2/94-हिन्दी]

चरन दास, उप सचिव

## MINISTRY OF TEXTILES

New Delhi, the 16th November, 1994

S.O. 3446.—In pursuance of Sub-Rule 4 of Rule 10 of the Official Language (Use for Official Purposes of the Union), Rules, 1976 the Central Government hereby notifies the following offices under the Ministry of Textiles whereof more than 80% staff have acquired working knowledge of Hindi:

1. Regional Office, NTC (DPR) Ltd., 14-Madhya Marg, Sector-26, Chandigarh.

2. Regional Office, NTC (DPR) Ltd., 71/4, Najafgarh Road, New Delhi-15.

3. Regional Office, NTC (DPR) Ltd., Mangal Bhavan, Sansar Chander Road, Jaipur.

[No. E-11016/2/94-Hindi]

CHARAN DASS, Dy. Secy.

## दिल्ली विकास प्राधिकरण

## सार्वजनिक सूचना

नई दिल्ली, 30 नवम्बर, 1994

का.आ. 3547 -केंद्र सरकार का दिल्ली की मुख्य योजना/क्षेत्रीय विकास योजना में निम्नलिखित संशोधन करने का प्रस्ताव है, जिसे जनता की जानकारी के लिए एतद्द्वारा प्रकाशित किया जाता है। प्रस्तावित संशोधन के संबंध में यदि किसी व्यक्ति को कोई आपत्ति हो या कोई सुझाव देना हो तो वह अपनी आपत्ति/सुझाव लिखित रूप में इस सूचना के जारी होने की तारीख से तीस दिनों की अवधि के अन्दर आयुक्त-एवं-सचिव, दिल्ली विकास प्राधिकरण, विकास सदन, "बी" ब्लॉक, आई.एन.ए.,

नई दिल्ली को भेज सकते हैं। आपत्ति करने या सुझाव देने वाले व्यक्ति अपना नाम और पता भी दें।

संशोधन :

“उत्तर में इण्डियन स्पाइनल इन्जरी हॉस्पिटल एवं ग्रामीण क्षेत्र से, दक्षिण और पूर्व में सुल्तान गढ़ी मकबरे और ग्रामीण क्षेत्र से, और पश्चिम की तरफ आवासीय एवं ग्रामीण क्षेत्र से घिरे लगभग 27.25 हेक्टेयर (67.30 एकड़) क्षेत्र के भूमि उपयोग को “ग्रामीण उपयोग जोन” से “परिवहन (हवाई अड्डा)” में बदलने का प्रस्ताव है, जिसका विवरण नीचे दिया गया है :—

- |  |                |
|--|----------------|
| (1) आवासीय   | 4.69 हेक्टेयर  |
| (2) परिवहन (हवाई अड्डा)  | 18.16 हेक्टेयर |
| (3) परिवहन (45 मीटर चौड़ी सड़क)                                      | 3.40 हेक्टेयर  |
| (4) मनोरंजनात्मक (सुल्तान गढ़ी स्मारक के आसपास विरासत योजना के लिये) | 1.00 हेक्टेयर  |

2<sup>वाँ</sup> प्रस्तावित संशोधन को दर्शाने वाला नक्शा निरीक्षण के लिये उक्त अधि के अन्दर सभी कार्य दिवसों में संयुक्त निदेशक, मुख्य योजना अनुभाग, विकास मीनार, छठी मंजिल, आई.पी. एस्टेट, नई दिल्ली के कार्यालय में उपलब्ध होगा।

[सं. एफ. 3(61)/90-एम.पी.]

विश्व मोहन बंसल, आयुक्त-एवं-सचिव

## DELHI DEVELOPMENT AUTHORITY

### PUBLIC NOTICE

New Delhi, the 30th November, 1994

S.O. 3447.—The following modification which the Central Government proposes to make to the Master Plan for Delhi/Zonal Development Plan is hereby published for public information. Any person having any objection for suggestion with respect to the proposed modification may send the objection or suggestion in writing to the Commissioner-cum-Secretary, Delhi Development Authority, Vikas Sadan, 'B' Block, INA, New Delhi within a period of thirty days from the date of issue of this notice. The person making the objection or suggestion should also give his name and address.

### MODIFICATION

“The land use of an area measuring 27.25 hect. (67.30 acres) bounded by Indian Spinal Injury Hospital and rural area in the North Sultan, Garhi Tomb and Rural area in the South and East, and residential and rural area towards the West is proposed to be changed from ‘rural use Zone’ to transportation (airport) with the following break up :

- |                 |          |
|-----------------|----------|
| (i) Residential | 4.69 ha. |
|-----------------|----------|

- |   |           |
|---|-----------|
| (ii) Transportation (airport)   | 18.16 ha. |
| (iii) Transportation (45 m wide road)                                 | 3.40 ha.  |
| (iv) Recreational (for Heritage scheme around Sultan Garhi monument). | 1.0 ha.   |

2. The plan indicating the proposed modification will be available for inspection at the office of the Jt. Director, Master plan Section, Vikas Miner, 6th floor, I.P. Estate, New Delhi on all working days within the period referred to above.

[No. F. 3(61)90-MP]

V. M. BANSAL, Commissioner-cum-Secy.

श्रम मंत्रायम

नई दिल्ली, 1 नवंबर, 1994

का.आ. 3448.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुमरण में, केन्द्रीय सरकार एम ईसी एल के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-10-94 को प्राप्त हुआ था।

[सं.एल. 22012/484/91 आई आर (सी-II)]

राजा लाल, डेस्क अधिकारी,

## MINISTRY OF LABOUR

New Delhi, the 1st November, 1994

S.O. 3448.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.E.C. Ltd., and their workmen, which was received by the Central Government on 25-10-94.

[No. L-22012/484/91 IR-C.II]

RAJA LAL, Desk Officer.

### ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

CASE NO. CGIT/LC(R)(150)/1992

BETWEEN

Shri Sarju Singh represented through the Secretary, A.K.M.S. (AJTUC) Quarter No: B/72, Urja Nagar, P.O. Govra Project, District Bilaspur (M.P.).

AND

Sub-Area Manager, S.E.C.L. Dipika Project, P.O. Govra Project, District Bilaspur(MP).

## PRESENT :

Shri Arvind Kumar Awasthy, Presiding Officer.

## APPEARANCES :

For Workman : Shri Arvind Srivastava, Advocate.

For Management : Shri A. K. Shasi, Advocate.

INDUSTRY : Coal Mine. District : Bilaspur(MP).

## AWARD

Dated, September 30, 1994

This is a reference made by the Central Government in the Ministry of Labour vide its Notification No. 22012/484/91-IR(C-II) dated 29-6-1992 for adjudication of the following dispute as mentioned under the Schedule to the reference order :—

## THE SCHEDULE

“Whether the action of the management of Dipika Project of S.E.C. Ltd., Bilaspur, is justified in imposing multiple punishment on Sri Sarju Singh of demotion fixation of pay to initial stage of scale of Group II Gr. 'C' at Rs. 4860 and also treating the period of suspension as “Suspension” ? If not, to what relief the workman concerned is entitled to ?”

2. Parties filed a Memorandum of Settlement. It is just and proper and it is hereby accepted.

3. Following are the terms of Settlement :—

## TERMS OF SETTLEMENT

1. Shri Sarju Singh S/o Kheju Singh will be restored to the previous post of Dum.Optr. Gr. 'B' and Scale of pay Rs. 76.77 with effect from 20th December, 1991 which has been agreed on the basis of the stipulation and the conditions laid down in the original office order i.e. to watch the performance and conduct remained satisfactory for one year, and performance during this one year remained satisfactory.
2. Shri Sarju Singh will be entitled for incremental benefit from 20-12-1991 onward and his original date of increment will not be altered.
3. For the purpose of seniority in Gr. 'B' his original date of entry into Gr. 'B' i.e. 3-1-84 will be taken in future promotion i.e. after signature of this agreement but neither the workman nor union will have right to claim promotion/seniority over others which has been done during the period of his demotion i.e. 13-11-90 and this day of signing agreement.
4. The Union agreed to withdraw the CGIT case.

5 This agreement will come into force and implemented with immediate effect. This agreement will not be quoted as precedence either by the workmen or the union in future.

4. The award is passed as per aforesaid terms of Settlement dated 20-7-1993. Parties to bear their own costs.

ARVIND KUMAR AWASTHY, Presiding Officer.

नई दिल्ली, 10 नवम्बर, 1994

का.आ. 3449:— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मै. भारत कोकिंग कोल लिमि. की ईस्ट कत्रास कोलियरी के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 1) धनवाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-11-94 को प्राप्त हुआ था।

[संख्या एल-20012/165 90-आई आर (कोल-1)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 10th November, 1994

S.O. 3449.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. I), Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of East Katras Colliery of M/s. B.C.C.L. and their workmen, which was received by the Central Government on 10-11-1994.

[No. L-20012/165/90-IR (Coal-I)]

BRAJ MOHAN, Desk Officer

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 270 of 1990

## PARTIES :

Employers in relation to the management of East Katras Colliery of M/s. B.C.C. Ltd.

## AND

Their Workmen.

## PRESENT :

Shri P. K. Sinha, Presiding Officer.

## APPEARANCES :

For the Employers—Shri B. Joshi, Advocate.

For the Workmen—Shri J. P. Singh, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dated, the 31st October, 1994

## AWARD

By Order No. L-20012/165/90-I.R. (Coal-I), dated, the 17th October, 1990, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the Management of East Katras Colliery in Katras Project Area M/s. B.C.C. Ltd. is justified in demoting the following workmen from the post of Sr. Overmen Technical Grade 'A' to the post of Overmen Technical Grade 'B' vide Office Order dated 28-11-89 ? If not to what relief the workmen are entitled ?"

- (a) Shri Shree Kant Gupta
- (b) Shri N. K. Singh
- (c) Shri Guna Ram Das
- (d) Shri Chandrika Mahato.

2. As per its written statement the case of the sponsoring Union is that the four workmen aforesaid, on the recommendation of the Departmental Promotion Committee (D.P.C. in short) were promoted from Technical Grade 'B' to Technical Grade 'A' through Office Order dated 1-11-1988 (Ext. W-1), which was signed by the Personnel Manager of Katras Project Area. Consequently by Office Order dated 19-11-88 (Ext. W-2) issued by the Dy. C.M.E. of East Katras Colliery the concerned workmen were fixed in their promoted grade with effect from 1-11-1988. Their basic pay was fixed in their promoted scale through this order.

3. According to the sponsoring Union, thereafter by Office Order dated 27-28-11-88 the promotion of the concerned workman was revoked without assigning any reason and without aliding by the provision under Section 9-A of the Industrial Disputes Act, 1947. Then the management issued another revised order dated 4-3-1989 promoting certain workmen, but the names of these four concerned workmen were omitted in that order.

4. Thereafter the sponsoring Union raised this matter with the management but to no effect, after which this dispute was raised.

5. The case of the management, as coming out of their written statement, is that the management had constituted a D.P.C. consisting of three senior officials as its members for considering the matter of promotion from overmen to senior overmen and from mining Sirdars to safety assistance and production assistants in the year 1988. 12 overmen were to be promoted from the post of overmen in Grade 'B' to senior overmen in Grade 'A', whereas the number of persons to be promoted from the post of Mining Sirdars in Grade 'C' to Grade 'B' was fixed at 5. The D.P.C. in its sitting dated 28-10-88 recommended for such promotion of 12 overmen on the basis of total marks obtained by them. Their names were considered out of a list of 30 overmen. The written statement also has described as to how the marks were distributed. It has been submitted that 15 or 10 marks were assigned to the diploma holders and that the overmen possessing diploma were cleared for promotion but overmen without diploma, working from 1972 or 1973 were not cleared for such promotion.

6. It further has been averred that when the report of D.P.C. was placed before the General Manager on 1-11-88 for his approval, the same was granted without critically examining the report. This way the concerned workmen and others were promoted under order issued in Ext. W-2. But, it has been stated by the management, immediately thereafter the Union and the adversely affected workmen raised protest against promotion of juniors. Then the General Manager examined the report of the D.P.C. critically and cancelled the same by order dated 21-11-88 which was communicated to the concerned workmen by order dated 27/28-11-88 issued by the Dy. C.M.E. of Katras Colliery.

7. The argument of the management is that the concerned workmen had not been released from their existing post and had not taken charge of the promoted post nor they had been fixed in the promoted grade. It has been claimed that since the order dated 19-11-88 was cancelled by another order dated 27-11-88, hence there was no case of any demotion.

8. Then the D.P.C. again held its meeting on 16-2-89 to review its report and submitted a fresh report which was approved by the General Manager on 22-2-89 and promotion order dated 4-7-89 was issued through which other workmen were promoted with effect from 1-11-88. The names of the concerned workmen did not figure in the list because they were juniors and could not have superseded their seniors. In sum total, the case of the management is that it was not a case of demotion but of correcting a faulty order for which the management had ample authority. This was the line taken by Sri B. Joshi, learned counsel appearing for the management.

9. In course of argument the learned Counsel for the workmen had argued that the order of promotion of these four workmen was not only issued but stood implemented with retrospective effect and when their promotion stood implemented, then by subsequent order their promotion could not have been withdrawn or cancelled without taking resort of Section 9-A of the Industrial Disputes Act.

10. The point for consideration is as to whether or not the order of promotion of four concerned workmen could be legally cancelled that, too, without complying with the provisions of Section 9-A of the I. D. Act.

11. I will first decide as to whether or not the order of promotion issued through Ext. W-1 and Ext. W-2 could be said to have been implemented before the same was cancelled through a subsequent order.

12. Both sides have examined one witness each in order to support their case. MW-1 is Birendra Singh, Personnel Manager in Katras Project Area, who has, by and large, supported the case of the management. He admitted that the four concerned workmen were recommended for promotion in the first D.P.C. but it was found on review that they had been promoted by mistake superseding their seniors. For this reason their promotions were revoked. During cross-examination this witness acquiesced with the legal position that if a workman was promoted to a higher post, and if subsequently it was proposed to revoke that promotion then a notice under Section 9-A of the I. D. Act ought to have been given. He further admitted that no such notice was given to the concerned workmen. This witness submitted that he did not remember as to whether or not the four concerned workmen were diploma holders of I.T.I. or whether they were more qualified than the persons whom they are said to have superseded.

13. The workmen's witness is the concerned workmen Shree Kant Gupta who has supported the case of the sponsoring Union. He has claimed that their promotion orders were implemented on 1-11-88 itself. He also claimed that all the four workmen were diploma holders from the Mining Institute, Dhanbad. He claimed that before revocation none of them were told the reason for such revocation.

14. During cross-examination this witness said that on this promotion he had joined on the promoted post and also had given his joining report. He denied the suggestion that the concerned workmen had not joined on the promoted post.

15. Now coming to back to the point as to whether promotion of the concerned workmen was implemented the answer must be in affirmative. Ext. W-1 is Office Order dated 1-11-88 through which 16 workmen were promoted including the four concerned workmen. This order provides details of their present designation, designation on promotion, present place of posting and new place of posting. It will appear that the four concerned workmen were



ported at Katras Project. This order was issued by the Personnel Manager, Katras Project Area apparently on approval by the General Manager of the report of the D.P.C. which according to the written statement of the management, had held its sitting for this purpose on 28-10-88. The top portion of this order runs as follows :

"On the recommendation of the D.P.C. the following Mining Personnel of EKC/KCC, under Katras Project Area are hereby promoted from their existing designation to the designation as shown against each name with immediate effect....."

16. The bottom portion of this order directed the promoted workmen to report for their duty to Dy. C.M.E., EKC/KCC of their new place of posting. Therefore, from this order it will appear that all the four workmen were working under Katras Project Area either in EKC or under Katras Project. On promotion all of them were posted in Katras Project. This order further provided that the pay of the concerned workmen would be fixed as per norms of the company at unit level.

17. The order in Ext. W-2 dated 19-11-88 did not actually promote these four workmen but only had fixed their basic pay in the promoted scale. This Office Order runs as follows :

"In pursuance of office order No. KP-A/PD/88/F-MP/2497-2517 dated 1st November, 1988 issued by Personnel Manager, Katras Project Area basic of the following employees is being fixed in their promoted grade as mentioned against their names which will be effective from 1st November, 1988 .....

18. Therefore there is no basis to the claim of the management that the order of promotion was withdrawn within 7 days or 10 days (as claimed at two different places in their written statement) of the issuance of order of their promotion on 19-11-1988. Obviously, four concerned workmen were promoted with immediate effect i.e., from 1-11-88 vide Ext. W-1 and what Ext. W-2 did was only to fix their basic pay at unit level in compliance to the direction issued in Ext. W-1. For example, the pay of Chandrika Mahato was fixed at Rs. 1051 per month whereas pay of N. K. Singh was fixed at Rs. 1210 per month. The pay of Srikanth Gupta was fixed at Rs. 998 per month and that of Guna Ram Das was fixed at Rs. 1481.

19. These two Office Orders also demolish the argument of the management that to be treated as promoted these workmen had to join their new place of posting. If that was so, then their basic pay in the higher scale would have been available to them only from the date they actually joined the new assignment. But these Office Orders make it quite clear that they stood promoted with effect from 1-11-88 and that their basic pay in the higher scale became effective from 1-11-88 itself.

20. This is also reflected in Ext. W-4 series which are monthly pay slips issued to the concerned workmen. Ext. W-4 denotes the pay of workmen Chandrika Mahato from 11-11-88 to 10-12-88 in which his basic pay has been shown to be Rs. 1051, which is in conformity with his pay fixed in higher scale in Ext. W-2.

21. Ext. W-4/1 is the pay slip of Srikanth Gupta for the period from 11-9-88 to 10-10-88 with the basic of Rs. 902. Therefore this was the pay just before the period of his promotion becoming effective. It may be recalled that in Ext. W-2 his basic pay in the promoted scale was fixed at Rs. 998. Ext. W-4/2 is the pay slip of the same workman from 11-11-88 to 10-12-88, but with the basic of Rs. 998.

22. These documents give a lie to the claim of the management that promotion of these workmen was not implemented. Moreover, implementation of the promotion did not actually depend upon the pay slips, but upon the orders issued by the management in Ext. W-1 and W-2 series.

23. The stand of the management is that after issuance of the Office Order in Ext. W-1 and W-2 representations were received from the trade unions as well from the adversely affected workmen on the ground that the juniors were promoted superseding senior officials. It has been claimed that the then General Manager ordered for review of the promotion matter.

24. Ext. M-2 is the report of the D.P.C. which sat again on 16-2-89 and recommended names of 12 Overmen for their promotion to the post of Senior Overmen. This document also mentions as to how the marks were to be allotted to the individual candidates on account of C.C.R., experience and qualifications. From Ext. M-3 which is the chart of allotment of marks it will appear that the case of 32 Overmen were considered. The admitted position in the written statement of the management is that on the previous occasion also a total of 30 Overmen were considered for promotion of 12 of them. The same number of Overmen were recommended for promotion through Ext. M-2 also. Therefore, at both the occasions clearly such a method of evaluation was adopted by the D.P.C. through which a junior officer could have secured more marks than his senior and would have become entitled to promotion superseding the seniors. Since in both the sittings of the D.P.C. such method was adopted, obviously at both the occasions juniors could have superseded the seniors. It is obvious that even in the first D.P.C. the four workmen were promoted under system of allotment of marks under different heads. There is no evidence on the record to show that the marks in any manner were allotted wrongly or that the marks in the case of any candidate was added wrongly. From Ext. M-2 also it will be clear that the representations were filed by the two Unions, namely, R.C.M.S. and INMOSA and thereafter previous decision was revised. May be that the second time the management had changed the mode of allotment of marks in order to meet the objections raised by the trade unions, but that in itself will not make recommendations made by the 1st D.P.C. to be illegal. There is nothing on the record to hold that the recommendation of the 1st D.P.C. was in any way illegal.

25. It has already been seen that the decision of promotion with regard to these four workmen was implemented by the force of the orders of the management in Ext. W-1 and W-2, on 1-11-1988 itself. I have also held that there is nothing on the record to show that the decision of the 1st D.P.C. was in any way illegal. Therefore it has to be held that the four concerned workmen stood promoted, with their pay fixed in the higher pay scale, with effect from 1-11-1988.

26. Under the provisions of Section 9-A of the Industrial Disputes Act no employer, who proposes to effect any change in the conditions of service applicable to any workmen in respect of any matter specified in the Fourth Schedule, shall effect such change without giving to the concerned workmen notice in Form 'E' in accordance with Rule 34 of the Industrial Disputes (Central) Rules, 1957, of the nature of change proposed to be effected, nor the employer can effect such change within 21 days of giving such notice.

27. As already seen, on promotion the basic pay of the concerned workmen had been fixed through Ext. W-2 in a higher scale with retrospective effect. Any change in the wages would come within item No. 1 of the Fourth Schedule to the Industrial Disputes Act, 1947. Obviously, therefore, by revoking the order of promotion thereby reducing the wages of the four concerned workmen what the management was doing was to effect a change in the condition of service applicable to these four concerned workmen. Therefore, before doing that the employer was bound to take recourse to provision of Section 9-A of the Industrial Disputes Act which, admittedly, the management has not done. In this view of the matter subsequent order of the management revoking its previous orders in Ext. W-1 and Ext. W-2 is neither legal nor tenable. It appears that the management had resorted to this action on the objection raised by the trade unions. It is clear from Ext. M-5 which is a note from the Personnel Manager of Katras Project Area, submitted to the General Manager, dated 21-11-88

that after order of promotion (in Ext. W-1) the two trade Unions aforesaid had represented regarding the anomalies. The General Manager, Katras Project Area assured to look into the matter. Accordingly the order of promotion was looked into and it was found that the D.P. Committee had allotted to marks to the C.C.R. because of which a number of workmen had been superseded. The suggestion of the Personnel Manager was approved by the General Manager regarding the cancellation of the Office Order dated 1-11-1988. Accordingly, it will appear, order dated 24-11-88 (Ext. M-4) was issued revoking the Notification dated 1-11-88—"due to some defective information/particulars." Obviously, therefore, the promotion of the four workmen which came into effect on 1-11-1988 had continued to be in effect at least upto issuance of this Office Order in Ext. W-4.

28. From Ext. M-2 which is report of the 2nd D.P.C. which had held its sitting on 16-2-89 (Ext. M-2) it will appear that relating to overman, the marks were distributed in the following manner :—

C.C.R. — 25  
Experience — 60  
Qualification — 15

When this allotment is read with Ext. M-7 which is report of the 1st D.P.C. dated 28-10-88 it will appear that the marks in C.C.R. and experience were simply reversed. Nothing has been brought on the record to show that the procedure of distribution of marks adopted by 1st D.P.C. was in any way against any rule or any order which might have been in force on this point. Therefore it will appear that the 2nd D.P.C. was constituted in which distribution of marks was so reversed, only on account of some protest by two trade Unions.

29. Since there appears to be nothing illegal in the recommendation of the 1st D.P.C., the subsequent action of the management in revoking that order, apart from not observing the provisions of Section 9-A of the Industrial Disputes Act, appears to be a product of convenience as opposed to any violation of law or rules. This may also the action of the management in issuing its order revoking its previous order in Ext. W-1 does not appear to be justified. On this ground as also on the ground of non-observance of the provisions of Section 9-A of the Industrial Disputes Act the action of the management does not appear to be justified.

30. Sri B. Joshi, learned Counsel for the management has very strongly argued, amongst other points, that it was not proper or legal. He argued that if this right its order if it subsequently found that the previous order was not properly or legal. He argued that if this right is denied to the management then it would be unable to correct some improper and unjustified order which might have been issued by mistake.

31. I do not dispute that the management, if it has made a mistake, should have power to modify, revoke or alter that order. Any management is obliged to pass any number of orders of various types. But if for a particular type of order there is a legal provision as to how the management could change that order then the management simply has to comply with such legal provision. In face of such legal provision the management cannot claim any overriding power for running its administration. So if the provision of Section 9-A of the Industrial Disputes Act is applicable for passing any order, this has simply to be complied with or the order would be illegal. This is the position in this case as already discussed in detail. This is besides the point that I have also held that the management has not proved by any evidence that the recommendation of the 1st D.P.C. which was duly approved by the General Manager for which Office Orders were duly issued was in any way against the law or the rules. Therefore, in this view of the matter, the management cannot claim absolute right, setting aside all the principles of

natural justice, for changing an order passed legally which gave a right to its employees, without even taking the concerned workmen into confidence, i.e. without giving them any opportunity to make their submission against such proposed change.

32. In view of the aforesaid, the following is the award—The management of East Katras Colliery in Katras Project Area was not justified in demoting the concerned workmen from the post of Senior Overmen Technical Grade 'A' to the post of Overmen Technical Grade 'B'. The concerned four workmen are entitled to be so promoted by virtue of Office Order dated 1-11-1988 and to continue receiving their emoluments on the basis of their basic pay as on 1-11-1988 as fixed in the Office Order dated 19-11-1988. The four concerned workmen are, therefore, also entitled to the difference in wages which has since been denied to them because of revocation of order dated 1-11-1988.

In the circumstances of the case the parties shall bear their own cost.

P. K. SINHA, Presiding Officer

नई दिल्ली, 11 नवम्बर, 1994

का.आ. 3450:— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मै. भारत कोकिंग कोल लिमि. की भोवरा (एन) कोलियरी के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण (सं. 1), धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-11-94 को प्राप्त हुआ था।

[संख्या एल-20012/49/88-आई आर (कोल-1)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 11th November, 1994

S.O. 3450.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, (No. 1), Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bhowra (N) Colliery of M/s. B.C.C.L. and their workmen which was received by the Central Government on 10-11-1994.

[No. I-20012/49/88-IR (Coal-I)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD

PRESENT :

Shri P. K. Sinha, Presiding Officer.

In the matter of an industrial dispute under Section 10(1) (d) of the I.D. Act, 1947.

Reference No. 206 of 1989

PARTIES :

Employers in relation to the management of Bhowra (N) Colliery or M/s. B.C.C. Ltd. and their workmen.

## APPEARANCES :

On behalf of the workmen.—Shri R. C. Sinha, Advocate.

On behalf of the management.—Shri R. S. Murthy, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, the 29th October, 1994

## AWARD

The Govt. of India, in the Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012 (49)/88-IR (Coal-I), dated the 8th December, 1989.

## SCHEDULE

"Whether the action of the management of Bhowra (N) Colliery of M/s. Bharat Coking Coal Ltd., in not regularising Shri Basant Paswan and ten others is justified? If not, to what relief are the concerned workmen entitled to?"

In the annexure of the order of reference the names of all the 11 concerned workmen, with name of their father, have been given.

2. According to the Written Statement of the sponsoring union these workmen were in the service of Bhowra (N) (9 Seam Mine) Colliery (hereinafter referred to as Bhowra Colliery) since August, 1986 but they were not regularised in their service and were stopped from working by the management with effect from 14-9-87 when the workmen raised dispute before the ALC (C) Dhanbad. According to the sponsoring union, the workmen were not given identity cards rather were restrained from marking their attendance regularly in Form C register. They were also not paid their wages according to their work but were paid only Rs. 13 a day. The workmen have claimed for their regularisation in Cat. IV services.

3. According to the written statement the workmen had worked as stone cutters in Bhowra Colliery and had also loaded tubs. Example of loading of four tubs on 8-6-87 has been given. As per averment, these workmen were issued reference slips for their medical treatment at the hospital of the colliery.

4. This written statement was filed by one Shri Raghu Nath Rai working President of the sponsoring union with the averment. In para-8 that out of the concerned workmen, workman at Sl. No. 5, Shri Trilok Singh had left the sponsoring union.

5. The management in reply thereto had filed its written statement in which it asserted that the concerned workmen were never the employees in Bhowra Colliery. It was pointed out that the management engaged contractors to do odd works who executed the same through persons employed by them. Those contract labours left when the work so contracted was completed. Those contract labours were supervised by the contractors who paid their wages.

6. It has been stated in para-7 of this Written Statement that the apparent claim of the concerned workmen was that they were engaged for sometime by some contractor but this was no ground for them to claim absorption by the management as its employee. It has been asserted that under Contract Labour (Regulation and Abolition) Act, 1970 (hereinafter referred to as 1970 Act) gave right to the management to engage contractors for various jobs, but it did not impose obligation upon the principal employer to provide employment to those contract labours.

7. In the rejoinder portion of the Written Statement, the management has claimed that in so far as providing of medical treatment is concerned the management occasionally provided medical aid even to the workers of the contractors. Rather, many a times medical aid was provided by the company to the neighbouring villagers.

8. It will appear that thereafter the sponsoring union filed its rejoinder to the written statement of the management from which it will appear that a new case has been sought to be made out. In the original written statement, clear claim of the sponsoring union was that all the 11 concerned workmen were directly employed by the company and had worked as the employees of the company. It has been admitted in the rejoinder that the concerned workmen had worked through contractor, Shri M. Hasne, though it has been claimed that their work was supervised and controlled by the management. Here it has also been admitted that the concerned workmen were paid their wages through the contractor when the bills of the contractor were paid by the management. This has been interpreted here as proof of relationship of employer and employee between the management and the workmen. It has also been admitted that the contractor concerned had engaged the workmen for the execution of the work of M/s. B.C.C.L. In para-6 of the rejoinder it has been stated that though there was control of the contractor over the workmen, still the workmen executed the work under direct control of the management. It has been admitted that the contractors were paid their bills by the management who, in their turn, paid their workmen in presence of the authorities of the management.

9. Therefore, in the rejoinder application the sponsoring union has admitted that the workmen were employed through a contractor though the claim is that the workmen had worked under direct supervision of the officials of the management.

10. The point for consideration is as to whether the concerned workman were actually employees of the management which used the contractor as camouflage.

11. On behalf of the sponsoring union Mahesh Paswan, one of the concerned workmen, has been examined as the only witness. From a reading of his evidence a definite impression can be gathered that this witness was confused about the points he was to establish through his evidence. This fact will emerge as his evidence as will be discussed.

12. The claim in the Written statement is that the workmen had started working since August, 1986 and were stopped from working with effect from 14-9-87. So it will appear that the claim is that the workmen had worked there for a little over one year. But in his evidence this witness has only said that the concerned workmen had started working from the year 1986 and were stopped from working with effect from 14-9-87. The date and month of their starting work has not been revealed by this witness. But this witness has claimed that they had been working as stone cutters and also were putting the pieces of stones broken by them, on tubs.

13. This witness has said that the working tools were supplied by the management from their store. They used to go underground under orders of Shri N. S. Tewary the Asst. Manager. They got Cap Lamps from the Cap Lamp room. He claimed that their attendance was recorded earlier on plain paper but on their representation they were recorded in Form C register with effect from April, 1987.

14. In the beginning of his cross-examination this witness denied that they were the workmen engaged by the contractor M. Hussain. He also denied that the concerned workmen were paid by the contractor. Then he changed his statement and said that they were paid by the contractor though he could not say as to whether the name of the contractor was M. Hussain. My learned predecessor had re-

corded one suggestion of the management's lawyer and the answer of the witness, in the following manner :—

"It is not false to say that we were not engaged on the job of stone cutters or that drill rod and other work implements were provided to us by the management."

This shows acceptance by the witness that they had not worked as stone cutters but I am not giving much importance to this portion of his evidence because the entire sentence when read together, and in the context with subsequent sentence, would show that some clerical mistake in the typing had crept in.

15. This witness denied the suggestion that they were engaged by the contractor.

16. So it will appear that this witness was a bit confused on the point as to whether or not the concerned workmen had worked under a contractor. He had denied the suggestion but has admitted that the workmen were paid their wages by the contractor.

17. In so far as issuance of Cap Lamp to them while going underground is concerned, this witness has admitted that the employees of the management as well the contractors' labours were provided with Cap Lamps from the Cap Lamp Cabin. This witness had said nothing about receiving of medical attention from the hospital of the colliery.

18. The management also examined only one witness Shri Narsingh Tewary who had worked at Bhowra Colliery as Sr. Assistant Manager. This witness submitted about the engagement of contractor by name of Shri Md. Hasne for doing job of civil and engineering nature such as ventilation stopping, isolation stopping, and cleaning of stone dust spraying. He submitted that the management had nothing to do with the engagement of labours by the contractor. It was the contractor who supervised the work of his workmen and provided implements to them. There was no relationship of employer and employee between the management and the contractors' labours.

19. This witness submitted in the examination-in-chief as well as in cross-examination that any workman, whether regularly employed or employed by the contractor had to mark his attendance in form C register before going underground. He also denied that the workmen were engaged in stone cutting job. He also submitted that the colliery had its own workers for performing stone cutting job. A list of such workmen prepared officially has been placed on the record as Ext. M-2. He also denied that the concerned workmen had worked continuously from August, 1986 to 14-9-1987 in the underground.

20. Before proceeding further in this regard some Exts. may be discussed. Ext. W-1 is photo copy of a Chit showing Basant Paswan and 7 other workmen doing stone dusting work on 14-5-87. This exhibit will not help because stone dusting is a work different from the work of stone cutting. Ext. W-2 is the photo copy of Ext. W-3-A. This requests the M.O. to allow workman Kailash Paswan a contractor worker, of stone cutter at 9.23 incline. This is dt. 28-8-87. MW-1 has admitted his signature on the chit. But it is not clear what this chit actually means. He also has admitted his signature over Ext. W-3 which is dated 3-9-87 addressed to Bhowra Hospital requesting to attend to Basant Paswan, contractor labour for injury in left leg "with stone cutting time on 3-9-87 at 1 P.M. The portion of the sentence specified above have been reproduced as these are on the Chit. Ext. W-3B dt. 29-8-87 also appear a chit for attending to Krishna Paswan, contractor worker for his injury. In so far as Ext. W-2 is concerned, this witness has said that during the course of preparation for making foundation of isolation stopping/ventilation stopping sometimes ashes, coal etc. have to be cut which was reflected in these documents. He said that this document reflects this phenomena instead of proving that the workmen were employed in the stone cutting work.

21. Stress has been laid on these documents because, admittedly, stone cutting job is of permanent nature and is a work prohibited under 1970 Act with issuance of notification in that regard by the appropriate Government. These have been brought to argue that since the workmen were doing the work of stone cutting as also claimed by WW-1, they actually were doing work under the management because contractor could not be engaged to do such prohibited work.

22. But I see reason in the argument of Shri Murthy, the learning counsel for the management that these documents instead of proving that the concerned workmen were continuously doing the stone cutting work prove just the contrary. He argued that if the workmen were continuously doing the stone cutting work, having been engaged by the management to do that work, there was no need for a management official to allow a particular workman, for a particular day, to do some work relating to the stone cutting.

23. Moreover, the sponsoring union has admitted in its rejoinder petition that all the concerned workmen were working through contractors who paid them their wages. If the management, for argument's sake, had engaged a contractor to do a work prohibited under the provisions of 1970 Act, that in itself would not make out a relationship of employer and employee between the management and the contract labour. This will only expose such violation of law to criminal proceeding and punishment, for which provision has been made in the 1970 Act itself.

24. The management has right to take work from contractors not prohibited under any notification of the appropriate Government issued under 1970 Act. Therefore, being labours working under a contractor will not entitle a workman to event up employment by the principal employer. For this the sponsoring union will have to make out a case and prove facts in consonance with the decision of the Hon'ble Supreme Court reported in 1978 Lab I.C. at page 1264 (Hussain-bhai-versus. The Alath Factory Tazhilali Union and others). The sponsoring union will have to prove through cogent and acceptable evidence that the management was using the contractor just as a camouflage.

25. In the case the rejoinder of the sponsoring union accepts in so many words that the contractor used to pay the workmen after getting his bills paid by the management. It is also admitted that these workmen were employed by a particular contractor. As explained by the management's witness, marking of attendance in Form C register before going underground was no proof that the workmen worked directly for the management because such attendance was marked both by regular employees as also by contract labours who had to go underground to do their work. Similarly, merely providing of medical help once or twice would not prove relationship of employer and employee. Similarly, it has come into evidence that the Cap Lamps to both types of workmen were being provided by the Cap Lamp Cabin.

26. Therefore, what we have on the record is mostly in the shape of the evidence of one concerned workman, who himself appears to be confused as to whether or not he was working through a contractor. He denied that fact though his fact was admitted by the sponsoring union but this witness admitted that his wages were paid by the contractor. There is no evidence on the record, in contrast to these admissions, the admissions in the rejoinder as well in the evidence of the workmen, do not show that there was any direct connection between the management and the concerned workmen about payment of their wages.

27. In such a situation if such claims are upheld then, I am afraid, some sort of industrial anarchy would come to fore in which a large number of contract labour could make such claim and adduce their self serving evidence and claim to have proved their case on the basis of that. In any case, I do not find that the sponsoring union has proved that the concerned workmen were working under direct control or supervision of the management who was paying their wages directly and that the contractor who employed these workmen was only used as camouflage by the management in order to deny adequate wages and other service benefits to these workmen.

I, therefore, render the following Award :—

## ANNEXURE

"The action of the management of Bhowra (N) Colliery of M/s. Bharat Coking Coal Ltd. in not regularising Shri Basant Paswan and ten others was justified. The concerned workmen are entitled to no relief."

P. K. SINHA, Presiding Officer

## BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, BOMBAY

Present :

Shri Justice R. G. Sindhakar, Presiding Officer.

REFERENCE NO. CGIT-73 OF 1991

Parties :

Employers in relation to the management of M/s. A. R. Naim & Sons, Bombay.

AND

Their workmen.

## ANNEXURE'S NAME

Worker's Name	Father's name
1. Basant Paswan	Shri Bhatu Dusad.
2. Shri Jairam Paswan	Late Prasadi Paswan.
3. Shri Mahesh Paswan	Shri Jageshwar Paswan.
4. Shri Pragash Paswan	Late Prasadi Paswan.
5. Shri Trilok Singh	Late Kirpa Singh.
6. Shri Krish Paswan	Shri Shedeo Dusad (No. 2).
7. Shri Krishna Paswan	Shri Hari Paswan.
8. Shri Tulsi Paswan	Shri Suruj Paswan.
9. Shri Anandi Prasad	Shri Jago Dusad.
10. Shri Bhushan Paswan	Shri Horilal Dusad.
11. Shri Kailash Paswan	Late Gaya Paswan.

Appearances :

For the Management : Shri Kazi, Advocate.

For the Workman : No appearance.

INDUSTRY : Ports & Docks STATE : Maharashtra

Bombay, dated the 20th day of October, 1994

## AWARD

This is a reference made by the Government of India, Ministry of Labour, New Delhi under Section 10(1)(d) read with Section 2A of the Industrial Disputes Act, 1947.

"Whether the action of the Management of M/s. A. R. Naim & Sons, a Sievedore Operating in Major Port of Bombay in terminating the services of Shri N. Durat, Loader, w.e.f. 9-2-89 who was in continuous employment for more than 8—10 years is legal, proper and justified? If not, to what relief is the workman entitled to?"

नई दिल्ली, 14 नवम्बर, 1994

का.आ. 3451.--औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैमर्स-ए.आर. नेम एन्ड सन्स, बम्बे, के प्रबंधकों के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, बम्बे, के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 14-11-94 को प्राप्त हुआ था।

[संख्या एल-31012/14/91-आई आर (मिल)]

बी.एम.डेविड डेस्क अधिकारी

New Delhi, the 14th November, 1994

S.O. 3451.--In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the award of the Central Government Industrial Tribunal, No. 1, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. A. R. Naim & Sons, Bombay and their workmen, which was received by the Central Government on 14-11-94.

[No. L-31012/14/91-IR(Misc.)]

B. M. DAVID, Desk Officer

2. Statement of claim has been filed by the workman, and written statement has been filed on behalf of the management. It is not necessary to refer to them in greater details. Suffice it to say that the workman has made a grievance about the termination of his services and has given reasons, why he challenged that order of termination of his services. On the other side, the management, has in the course of its written statement, stated the position as it obtained, and denied that it had terminated the services of the workman. On the contrary, the relationship of master and servant never existed according to the management, and that therefore, this was not an industrial dispute, within the meaning of Section 2K of the I. D. Act.

3. The management has produced a settlement reached between the concerned workman and the management, and a request by the workman, stating that, the dispute has been amicably settled and therefore, it is no longer necessary to adjudicate upon the same. That was filed on 12-10-1994 by the learned advocate appearing on behalf of the management accompanied by xerox copies of the same.

4. Shri Suresh Jaisingh Hedumba, has filed an affidavit. He is an employee of M/s. A. R. Naim & Sons, the first party to the dispute, and he states therein that there has been a settlement, and that the workman has been paid Rs. 14,50 in full and final settlement of his claim. In view of this, I find that it is not necessary to adjudicate upon the present dispute.

5. Reference disposed off, Award accordingly.

R. G. SINDHAKAR, Presiding Officer

नई दिल्ली, 14 नवम्बर, 1994

का.आ. 3452:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैमर्स रेनको मेरिन सर्विस, बम्बे के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, बम्बे के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-11-94 को प्राप्त हुआ था।

[संख्या एल-31011/8/91-आईआर(मिसिल)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 14th November, 1994

S.O. 3452.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 1, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Renko Marine Service, Bombay, and their workmen, which was received by the Central Government on 14-11-94.

[No. L-31011/8/91-IR(Misc.)]

B. M. DAVID, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, BOMBAY

Present :

Shri Justice R. G. Sindhakar, Presiding Officer.

REFERENCE NO. CGIT-68 OF 1991

Parties :

Employers in relation to the management of M/s. Renko Marine Service, Bombay.

AND

Their workmen.

Appearances :

For the Management : Shri Mulani, Advocate.

For the Workmen : Shri Anchen, Advocate.

INDUSTRY : Port & Docks STATE : Maharashtra

Bombay, dated the 20th day of October, 1994

#### AWARD

Government of India, Ministry of Labour has referred for adjudication under section 10(I)(d) read with sub-section 2A of the Industrial Disputes Act, 1947, following dispute.

"Whether the action of the management of M/s. Renko Marine Service, Bombay in terminating the services of 33 workmen after closing down the establishment w.e.f. 27-9-90 is just, legal and proper? If not, to what relief are these workmen entitled?"

2. Statement of claim and written statement thereto has been filed. The matter came up to-day before this Tribunal and the parties have filed terms of settlement stating that the dispute referred for adjudication has been settled out of Court. As a result of the settlement, a cheque for Rs. 14,000/- has been handed over to the learned Advocate appearing for the union for payment to the concerned workmen. This payment is in full and final settlement of all

claims of the workmen in the above reference. In view of this, they state, that the dispute does not at all survive for adjudication.

3. Since the dispute is settled out of Court by the parties there is no need to pass award, reference is disposed off as settled out of Court.

R. G. SINDHAKAR, Presiding Officer

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT BOMBAY COURT NO. 1

REFERENCE (CGIT) NO. 1-68 OF 1991

BETWEEN

M/s. Ranko Marine Services, Bombay.

AND

Their Workmen.

In the matter of demand for reinstatement of the workmen upon the closure of the business operation with effect from 27-9-1990.

MAY IT PLEASE THE HON'BLE TRIBUNAL :

The parties to the above Reference submit before the Hon'ble Tribunal as under :

The parties have settled the matter out of Court and as a result of the said settlement, a cheque for Rs. 14,000/- only (Rupees Fourteen thousand only, cheque No. 625866 dated 20-10-94 drawn on Union Bank of India is being handed over to the Advocate of the Union for payment to the concerned workmen.

The Union accepts the above payment from the Company in full and final settlement of all claims of the workmen in the above Reference and therefore the dispute raised by the Union on behalf of the workmen does not at all survive.

In view of the above position, the parties pray that the Hon'ble Tribunal be pleased to dispose the Reference in terms of this purshis as settled by the parties.

Bombay :

Dated : 20th October 1994.

WITNESSES :

1. Sd/- Illegible

2. Sd/- Illegible

For M/s. RANKO MARINE SERVICES,  
PARTNER (N. A. Khan)

For Workmen,

(M. B. ANCHAN)

Advocate for the Union

National Dock Workers' Union, Bombay

नई दिल्ली, 14 नवम्बर, 1994

का.आ. 3453:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैमर्स ए. आर. नेम एण्ड सन्म, बम्बे, के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, बम्बे, के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14 नवम्बर, 1994 को प्राप्त हुआ था।

[संख्या एल-31012/12/91—आईआर (मिसिल)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 14th November, 1994

S.O. 3453.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the award of the Central Government Industrial Tribunal, No. 1, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. A. R. Naim & Sons, Bombay and their workmen, which was received by the Central Government on 14-11-94.

[No. L-31012/12/91-IR(Misc.)]

B. M. DAVID, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, BOMBAY

Present :

Shri Justice R. G. Sindhakar, Presiding Officer.

REFERENCE NO. CGIT-75 OF 1991

Parties :

Employers in relation to the management of M/s. A. R. Naim & Sons, Bombay.

AND

Their workmen.

Appearances :

For the Management : Shri Kazi, Advocate.

For the Workman : No appearance.

INDUSTRY : Ports & Docks STATE : Maharashtra

Bombay, dated the 20th day of October, 1994

#### AWARD

This is a reference made by the Government of India, Ministry of Labour, New Delhi for adjudication under Section 10(1)(d) read with Section 2A of the Industrial Disputes Act, 1947.

"Whether the action of the Management of M/s. A. R. Naim & Sons, a Stevedore Operating in Major Port of Bombay in terminating the services of Sri P. R. Uday Singh, Loader, w.c.f. 5-3-1989 who was in continuous employment for more than 8-10 years is legal, proper and justified? If not, to what relief is the workman entitled?"

2. Statement of claim has been filed by the workman and written statement has been filed by the management. The matter came up before me for hearing on 12-10-1994, finally. On the date there was no appearance on behalf of the workman, nor was he present. Shri Kazi, Advocate appeared on behalf of the management. Management has also filed an affidavit in support.

3. It appears that the workman has remained absent on the earlier date also, namely, 25-8-1994, and also failed to appear on the appointed date.

4. The management has denied that there has been a termination of his services, and it has come out with a case, that he abandoned the services voluntarily, by putting an end to the relationship of Master and Servant. It is further contended by the management that there is no industrial dispute under Section 2K of the Act.

5. It is further stated by the management, that the employee was employed as a Contractor, intermittently for a period of 23 years. It is further stated that he drew a salary of Rs. 1600/- per month, however, it is denied that his past record was clear and unblemished.

6. In support of the management's case, affidavit has been filed by Shri Suresh J. Hedamba, an employee of the first party M/s. A. R. Naim & Sons. He states therein that Shri Uday Singh, the workman, all of a sudden remained absent unauthorisedly with effect from 5-3-1989, and thereafter did not report for work, in spite of the best efforts made by the first party to communicate him about his unauthorised absence. Therefore press notification was issued on 5-6-1989 in Indian Express. In spite of it, he did not report for duty. After a period of about 3 months, he approached the management and when he was informed that as he was absent for a prolonged period, his contract could not be continued and that he was deemed to have voluntarily abandoned the services.

7. It is further stated in the affidavit, that on an inquiry, it is revealed that the workman Shri Uday Singh is having his own business of plying Autorikshaw in Ulhas Nagar, and he is no more interested in the job.

8. In view of this affidavit, and in the absence of any other document produced in support of the workman's case, it is not possible to hold that there has been a termination of services, and the same was illegal, improper, and unjustified. In the circumstances, the workman will not be entitled to any relief under this reference.

Reference disposed off, award accordingly.

R. G. SINDHAKAR, Presiding Officer

नई दिल्ली, 15 नवम्बर 1994,

का.आ. 3454 — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम.टी. एन. एल., बम्बई, के प्रबंधन के संवद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण न. 1, बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-11-94 को प्राप्त हुआ था।

[संख्या एल-40012/62/91-आई.आर. (डी.यू.)]

के बी बी उन्नी, डेस्क अधिकारी

New Delhi, the 15th November, 1994

S.O. 3454.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 1, Bombay as shown in the Annexure in the industrial dispute between the employers in relation to the management of M.T.N.L., Bombay and their workmen, which was received by the Central Government on 14-11-1994.

[No. L-40012/62/91-IR (DU)]

K. V. B. UNNY, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, BOMBAY

PRESENT :

Shri Justice R. G. Sindhakar, Presiding Officer.

Reference No. CGIT-92 of 1991

PARTIES :

Employers in relation to the management of Mahanagar Telephone Nigam Ltd., Bombay

AND

Their workmen.

## APPEARANCES :

For the Management—Ms. Nikam, Advocate.

For the Workman—Shri Chaturvedi, Advocate.

INDUSTRY : Telephones

STATE : Maharashtra

Bombay, the 20th day of October, 1994

## AWARD

Government of India, Ministry of Labour, New Delhi has by letter dated 19-11-1991, made following reference for adjudication under Section 10(1)(d) read with sub-section 2-A of the Industrial Disputes Act, 1947.

"Whether the management of Mahanagar Telephone Nigam Ltd., Bombay is justified in terminating the services of Shri Lal Bahadur Yadav, Casual Labourer w.e.f. 18-4-1987 is justified? If not, what relief he is entitled to and from what date?"

2. Shri Lal Bahadur Yadav has filed his statement of claim. He states that his name was sponsored by the Employment Exchange and came to be appointed as Casual Labourer in M.T.N.L. that was in the year 1979, and from 20th May 1979, he worked continuously till 1986. He states that he discharged his duties sincerely and honestly till then and there was no misconduct nor did he give any cause for complaint. He further stated that he became ill, that was serious illness due to the mental disturbance, on 11th March 1986. He was treated in Bombay and later at his native place to which he was taken by his relative. There his family Doctor treated him and was also required to be brought to Bombay on the advice of the family doctor for check up in the St. George Hospital. He was under treatment till 31st March 1987. He has produced the certificates alongwith the statement of claim.

3. He went back from the St. George Hospital to his native place and continued to be treated by his family doctor. Ultimately when he was fit to resume duty and received fitness certificate from his family doctor, he came back to resume duty.

4. He handed over that certificate on 31st March 1987 and the management allowed him to join duty with effect from 1-4-1987. While he was discharging his duties once again honestly and faithfully management handed over to him a letter on 18th April 1991, terminating his services with effect from the same date. Several requests made by him had no effect, therefore, he was compelled to have recourse to proceedings which resulted in this reference.

5. The management has filed written statements and admitted that he was employed as a Casual Labourer. He remained absent according to the management w.e.f. 10-3-1986 to 31-3-1987, that is for more than 12 months without any intimation or permission of the management. He produced for the first time medical certificate on 31-3-1987 and was allowed to resume duties w.e.f. 1-4-1987 to 18-4-1987 only. It was pending final decision to be taken that he was allowed to resume duties.

6. It is contended that the workman was not fit to do the hard job of digging the trenches, in the open field under sun and rain. The management, therefore, took the final decision and the workman was informed that he could not be engaged by the respondents. It is denied that the services were terminated.

7. It is contended that the workman left service for a long period of one year without taking leave or permission and therefore, not entitled to continuity of services or reinstatement with back wages.

8. It is also contended that since he was a Casual Labourer of the Respondents and since the provisions of Industrial Disputes Act did not apply, he is not entitled to any relief.

9. The workman has filed an affidavit in support and also made written submissions. The management has on the other side made written submissions and produced some documents.

10. The point that arises for consideration is whether the termination is justified and if so what relief the workman is entitled to.

11. There is no dispute on the point that he was working since 1979 till 10th March, 1986. It is further not disputed that the applicant workman on 11th March 1986 fell ill and went away. Thereafter he resumed duties only on 1st April 1987. His absence therefore, from 11th March, 1986 to 31st March, 1987 is not in dispute. His contention is that after 1st April 1987 on which day he was allowed to resume duties and that was on the basis of a fitness certificate given by him. That again is not disputed but what is contended is that permission to join duties was given for a limited period and that was pending decision about his long absence. On 18th April 1987, he was discontinued from services. That means again for a period of 18 days he worked on the establishment of the M.T.N.L. It is difficult, therefore, to see justification for this action of the management.

12. The justification of termination of his services on 18th April, 1987 is to be examined and I do not find any justification for the same. As stated earlier he has been in continuous employment from 20th May 1979 till 1986 and because of his illness he could not remain present and again resumed duties after producing fitness certificate on 1st April, 1987. He came to be discontinued w.e.f. 18-4-1987. He could be said to have been in service continuously for a period of more than one year within the meaning of Section 25(B) of the Industrial Disputes Act, which defined 'continuous service'. It states that a workman shall be said to be in continuous service for a period, if he is, for that period, in uninterrupted service including service which may be interrupted on account of sickness or authorised leave or an accident or a strike which is not illegal, or a lock-out or a cessation of work which is not due to any fault on the part of the workman. Here the case is that whatever interruption has been there between 31st March 1987 to 1st April 1987 it was because of his sickness and in support of that he produced material before the management. In my view, therefore, he could be said to have been in continuous service for over one year and if it was so then the provisions of Section 25-F of the Industrial Disputes Act, were attracted. That provides that no workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until he has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice and workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay for every completed year of continuous service or any part thereof in excess of six months and notice in the prescribed manner is served on the appropriate Government or such authority as may be specified by the appropriate Government by notification in the Official Gazette.

13. Retrenchment has been defined in Section 2(oo) as meaning the termination by the employer of the service of a workman for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action, but does not include voluntary retirement, retirement on reaching the age of superannuation, termination of services as a result of non-renewal of the contract or termination of the contract of continued ill-health. It is not possible to take the case of the workman out of the category of retrenched workman because it is a case of termination and if it was a case of termination on the ground of disciplinary action, it is unjustified because no disciplinary proceedings were taken against him before imposing that penalty. It is not a case exempted by that definition and therefore, it will be an illegal termination of services as it is without following the provisions of Section 25-F of the Act.

14. It has been already observed by me that the termination is not preceded by an enquiry and therefore, if it is by way of penalty and if it is sought to be justified in the ground of penalty, that justification cannot be accepted.

15. The contention raised in the written statement filed on behalf of the management is that he was a Casual Labourer and provisions of the Industrial Disputes Act are



not applicable. The said contention has to be rejected by merely stating it. The next justification that has been given is that he was absent from duty from 10-3-1986 to 31-3-1987, that is more than 12 months without intimation or permission of the Respondent. He submitted for the first time medical certificate on 31-3-1987. His absence on account of his illness is not disputed and the fact that in support of that he produced medical certificate. He produced also fitness certificate of Resident Medical Officer, St. George's Hospital, Bombay and explained his absence. The point is whether mere absence could be made the ground of termination and the penalty of termination imposed upon him without following any procedure prescribed. In my view, if punitive action was to be taken it should have been preceded by an enquiry. Nothing of that type is done.

15. It is then contended that he was not fit to do hard job of digging trenches in the open field under sun and rain. Accordingly final decision was taken and the workman was informed accordingly that he cannot be engaged into services by the Respondent. Now this opinion expressed by the management is without a foundation. In view of fitness certificate issued by the Medical Authority, it was necessary for the management to collect more material to contradict that certificate and substantiate its conclusions by other material and evidence. Without doing that exercise it concluded that he was under treatment for a long time and therefore, not fit to do that job. It was not permissible when in fact he had produced fitness certificate.

16. It is then contended that the workman left the services for a long time without taking leave or permission or knowledge. Once again I find that this is begging the question. Since it is admitted that he came to allowed to attend and resume duties which also is an admitted position to conclude from his absence that he had left the services is in my opinion, impermissible in the facts and the circumstances of the case.

17. It is then said that he was allowed to resume duties from 1-4-1987 to 18-4-1987, pending final decision to be taken by the respondent on the application and the medical certificate submitted by the workman. The management craved leave to refer to and rely upon the said application and the medical certificate submitted by the workman and the final decision taken is the unilateral decision taken by the management without hearing him and giving him opportunity to explain his absence. In fact he had tendered material to show reasons for his absence and before rejecting that material and coming to its own conclusions fairness demanded that he was given an opportunity to substantiate the reasons for his absence. If the management thought that inspite of the certificates produced it was necessary for him to undergo any further medical examination he should have been asked to do that.

18. I considered the contentions raised on behalf of the management and I find that the action of the management in terminating the services of the employee on 18-4-1987 is not justified. He had served the managements since 20th May 1979 till 10th March 1986 and thereafter because of his illness could not resume duties till 1st April, 1987. Thereafter his services came to be terminated without valid justification and without fair opportunity given to him and this termination amounted to retrenchment or otherwise illegal and therefore, he is entitled to the relief of reinstatement with back wages. Wages for the period between 11 March 1986 to 31st March 1987 to be calculated as per his entitlement on the basis of availability of leave.

Award accordingly.

R. G. SINDHAKAR, Presiding Officer

नई दिल्ली, 15 नवम्बर, 1994

का.ग्रा. 3455.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार के प्रबंधन के संछद्म नियोजकों और उनके कर्मचारों के बीच, अन्वय में निदिष्ट औद्योगिक विवाद में केन्द्रीय 2678 GI94—4.

सरकार औद्योगिक अधिकरण के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-11-94 को प्राप्त हुआ था।

[संख्या एल-14012/92/90-आई.आर. (डी.यू.)]

के. वी. वी. उन्नी, डेस्क अधिकारी

New Delhi, the 15th November, 1994

S.O. 3455.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 1, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Artificial Limb Centre, Pune and their workmen, which was received by the Central Government on 14-11-94.

[No. L-14012/92/90-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, BOMBAY

Present :

Shri Justice R. G. Sindhakar, Presiding Officer.

REFERENCE NO. CGIT-77 OF 1991

Parties :

Employers in relation to the management of Artificial Limb Centre, Pune.

AND

Their workmen

REFERENCE NO. CGIT-5 OF 1993

Parties :

Employers in relation to the management of Artificial Limb Centre, Pune.

AND

Their workmen

Bombay, dated the 15th day of September, 1994

ORDER

The Government of India, Ministry of Labour, New Delhi has made these two references to this Tribunal for adjudication under Section 10(1)(d) read with Section 2A of the Industrial Disputes Act, 1947. Reference bearing No. CGIT-77 of 1991 deals with the case of Smt. Sushma R. Gaikwad, and the schedule is to the following effect.

"Whether the action of the management of Artificial Limb Centre, Pune a Limb Centre of Defence Deptt. in terminating the services of Smt. Sushma R. Gaikwad, a case instructor working in the centre w.e.f. 1988 is justified? If not, what relief the workman concerned is entitled to?"

2. Statement of claim has been filed and therein, it has been stated that she was appointed by the Commandant of the Artificial Limb Centre, Pune, an establishment under the Ministry of Defence, Government of India, and was a Civilian Canine Instructor. She was required to impart training of caning to the disabled patients both, Military and Civilian. She is a blind woman, having one daughter, named Arthi, aged about 13 years and studying in the 8th standard, and Son Master Amol aged about 11 years studying in the 6th standard. Her husband is also blind.

3. It is her case, that, her services were illegally and wrongfully terminated with effect from 18-10-1988. She was not also paid any compensation as contemplated under Section 25F of the Act.

4. This Artificial Limb Centre, is a 190 bedded hospital, where, both Civilians and Military patients are being treated. The Civilians are required to pay the Hospitalisation charges, whereas the Military servicemen are not. The civilians are also required to pay for the Artificial Limb provided by this Artificial Limb Centre.

5. She raised an industrial dispute, and since the conciliation proceedings failed, the present reference came to be made to this Tribunal for adjudication.

6. Her contention is that, being a blind woman, and recruited and appointed by the Commandant, Artificial Limb Centre Pune, as early as in the year, 1974, she has been working under the complete supervision and control of the Commandant of the A.L.C. and her monthly salary was initially Rs. 150/- which was later increased to Rs. 230/-.

7. She states that, she sought the intervention of the Asstt. Labour Commissioner, (Central), Pune, for an enhancement in her salary from Rs. 230/- per month, vide her representation dated 1-10-1988. The Assistant Labour Commissioner (Central) Pune, instead of offering his recommendations to the Government, she came to be dismissed illegally and wrongfully by the Commandant Artificial Limb Centre, Pune, with effect from 18-10-1988 i.e. soon after her representation.

8. She has further contended that, she has put in more than 240 days of work in each year, and, therefrom could not have been termed as a Casual Labourer. Her contention therefore, is, that her termination is, illegal, and contrary to the provisions of the Industrial Disputes Act. She has, therefore, prayed for reinstatement with full back wages.

9. Written statement has been filed by the Major Officiating Commandant stating therein that Smt. S. R. Galkwad a blind woman had been working in the Artificial Limb Centre, Pune as a Cane Instructor to the Amputee patients on the art of making Cane Baskets, Chairs etc., out of Plastic Canes bought out of the Regimental Fund maintained by the Artificial Limb Centre. It is stated that, 'this job was given to her purely on humanitarian basis as temporary/parttime instructor, and that she was paid out of the Regimental Fund of the Artificial Limb Centre. It is however, admitted that she had been working in the Artificial Limb Centre as such, with effect from 5-10-1974 and worked till October, 1988. It is stated that the Amputee Patients of the said Artificial Limb Centre started showing little or no interest in learning the art of making articles out of the plastic cane, and hence, the services of the workman was found to be superfluous.

10. The workman was apprised of the situation time and again, and the decision to discontinue her services was delayed in view of the handicap, and she was repeatedly advised to seek alternative employment. Though the possibility to employ her in any other regimental institutions was explored, she was found not suitable for any job, since she was blind. It was however, not possible to continue her in the Artificial Limb Centre, as her usefulness to the Centre no longer existed, and that her continued employment would have unnecessarily depleted the Regimental Funds which is contributed by the Armed Force Personnel and used for several welfare activities. She was a temporary employee, and therefore, her services could be validly terminated by the employer at any time.

11. It is then contended that the Regimental Fund is not created out of any Government Revenue, but is a private one constituted out of the contributions of individual members of the Armed Forces. It is further stated that the Central Government is not the "appropriate Government" in relation to the present dispute, and therefore, the present reference made by the Central Government is not tenable in law, and that this Central Government Industrial Tribunal is not the proper forum to deal with the present grievance of the workman, nor has it got the jurisdiction to entertain and adjudicate upon the present dispute.

12. Justification given for her termination is, that, she was a temporary employee, at the first instance, and that there was no possibility of continuing her in service, in the circumstances mentioned in the written statement referred herein above.

13. The other reference bearing No. CGIT-5 of 1993, is made by the Government of India, Ministry of Labour, New Delhi by letter dated 1-1-1993, and pertains to the case of Shri Fulpagar Shrikant Maganlal, the schedule of which is to the following effect :

"Whether the action of the management of Artificial Limb Centre, Pune, in continuing the employment of Shri Fulpagar Sukant Maganlal as an ad-hoc Instructor Occupational (Printing) since 17-6-72 on a consolidated wage of Rs. 600/- per month and refusing to make him permanent as Instructor Occupational (Printing) is legal and justified? If not, what relief the workman is entitled to?"

14. In this case again, statement of claim has been filed on behalf of the workman by the Union, and it is stated therein that he was employed as an ad-hoc Instructor Occupational (Printing) with effect from 17-7-1972, and was in continuous services in the same establishment for more than 20 years without any break in services. He was appointed through the Regional Employment Exchange, Pune, Authorised Recruiting Agency for all Government Services. Although, the appointment was effected after calling for a panel from the Employment Exchange, regular appointment was not made, but, he was appointed on ad-hoc basis. He has been regularly contributing to the Provident Fund, since 1988 as decided by the then Commandant of the Artificial Limb Centre.

15. It further stated that he has got the requisite qualifications as stipulated by the S.R.O. 241 of 1981 for the appointment i.e. 8th Std. pass, I.T.I. Certificate in Printing Technology, and experience in the field. He had however, crossed the upper age limit prescribed for Government Service, and though he tried for better employment elsewhere by re-registering with the Employment Exchange, the same did not succeed. He represented his case to several authorities, including the Hon'ble Prime Minister and the Defence Minister, and the reply received was not favourable. He therefore, submits that, his services should be regularised, and that his pay and allowance should be also regularised from the date of recruitment, in the pay scale of Rs. 260-400 applicable to the Post of Occupational Instructor recommended by the 3rd Pay Commission. Presently, he is working as a Manager Printing Press, and therefore, his Pay Scale should be regularised in the Pay Scale of Rs. 1400-2300, after the recommendations of the 4th Pay Commission, and should be also allowed to avail of the facilities of the Central Government Employees.

16. The management has filed a written statement and therein it is stated that, he was appointed as an ad-hoc Instructor in Printing, Binding, and Composing, and that he has been continued on ad-hoc basis, and his salary was drawn out of the Regimental Fund maintained by the Artificial Limb Centre. The workman had been informed that his appointment is temporary, and he also has not the knowledge of the same fact. It is further contended that the workman is not a Government Servant, nor is he governed by the Rules and regulations applicable to the Government servants.

17. Affidavit has been filed on behalf of the management, by Shri Gurdip Singh, and he has been cross-examined on behalf of the workmen. Shri Fulpagar filed an affidavit in support of his case, and he has been also cross-examined on behalf of the management.

18. In this reference also the jurisdiction of this Tribunal has been challenged, and it is contended that the Central Government is not the Competent one to make the present reference. Prayer for treating the same as a Preliminary Issue is made.

#### Preliminary Issue ---

Has this Tribunal no jurisdiction to entertain this reference, on the ground that the Appropriate Government is not the Central Government, but it is the State Government?

19. I have heard the learned counsel appearing on either side on this Issue. On behalf of the workmen, Shri Kulkarni submitted that there cannot be any dispute on the point that

the Central Government is the appropriate Government, and that this Court is the only appropriate and competent Court to deal with the present reference, and adjudicate upon it. He has also relied upon the authority in the case between the Indian Navy Sailors' Home and Bombay Gymkhana Caterers and Allied Employees' Union and another, reported in 1986, Maharashtra Law Journal, page 45, wherein, the Bombay High Court, following the decision of the Supreme Court, in Bangalore Water Supplies Vs. A. Rajappa, reported in AIR-1978—page 548, held that the Indian Navy Sailors' Home is an industry as contemplated by Section 2-S of the Industrial Disputes Act, and that the activities carried on by the Indian Navy Sailors' Home are carried out under Authority of the Indian Naval Establishment. The Management and control over the said Home is in the hands of the Navy, and that the Financial Control is also in the hands of the Navy. The Appropriate Government therefore, is the Central Government, competent to make the reference. The other decision relied upon is in the case between the Union of India Vs. Shri S.R. Doiphode, reported in 1976—BLR page 884. Therein it is held that, the activities carried out by the Canteen Stores Department, is the Canteen Services, which is an industry, carried out by or under the authority of the Defence Ministry, Government of India, and therefore, the employees of the Establishment are exempted from the provisions of the Payment of Bonus Act, under Section 32(iv) of the Payment of Wages Act. The question as to whether the particular establishment is an establishment engaged in any industry carried on by or under the authority of the Central Government, and it was held therein, that it was a Central Government Establishment.

20. Another decision relied upon by the learned counsel for the workmen is in the case between Shri Shamrao Bapu Nikham and Manager P.S.A. Canteen Extension Counter Satara, and another. Therein also it is held that, it was a Central Government Establishment. This has been the decision of the Labour Court of Sangh, on Complaint ULP No. 64 of 1992.

21. Apart from all these authorities, on record are the Rule, framed by the President of India on 11-5-1992. Under Article 309 of the Constitution. These Rules prescribe the method of recruitment to certain Group C and Group D posts in the Artificial Limb Centre, Pune, under the Director General, Armed Forces Medical Services, Ministry of Defence. The short title of the said rules reads:—

“These Rules be called the Artificial Limb Centre Pune, Group ‘C’ and Group ‘D’ Posts Recruitment Rules, 1992.”

They prescribe the method to be adopted for recruitment, age limit, qualification etc. It is therefore, clear, that the President in exercise of the powers under Art. 309 of the Constitution has framed the Rules and Regulations, which are binding on the employees of the Artificial Limb Centre, and if it is so, it is rather difficult to accept the contention raised on behalf of the management, that the Central Government is not the appropriate Government. The definition of appropriate Government is to be found in Section 2(a), as under :—

- (i) in relation to any Industrial Disputes concerning any industry carried on by or under the authority of the Central Government or by a railway company (or concerning any such controlled industry as may be specified in this behalf by the Central Government) or in relation to an Industrial Dispute concerning a Dock Labour Board established under Section 5-A of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), or the Industrial Finance Corporation of India established under Section 3 of the Industrial Finance Corporation Act, 1948 (15 of 1948), or the Employees' State Insurance Corporation established under Section 3 of the Employees' State Insurance Act, 1948 (34 of 1948), or the Board of Trustees constituted under Section 3-A of the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948 (46 of 1948), or the Central Board of Trustees and the State Boards of Trustees constituted under Section 5-A and Section 5-B, respectively of the Employees' Provident

Fund and Miscellaneous Provisions Act, 1952 (19 of 1952), or the “Indian Airlines” and “Air India” Corporations established under Section 3 of the Air Corporations Act, 1953 (27 of 1953), or the Life Insurance Corporation of India established under Section 3 of the Life Insurance Corporation Act, 1956 (31 of 1956), or the Oil and Natural Gas Commission established under Section 3 of the Oil and Natural Gas Commission Act, 1959 (43 of 1959), or the Deposit Insurance and Credit Guarantee Corporation established under Section 3 of the Deposit Insurance and Credit Guarantee Corporation Act, 1961 (47 of 1961), or the Central Warehousing Corporation established under Section 3 of the Warehousing Corporation Act, 1962 (58 of 1962), or the Unit Trust of India established under Section 3 of the Unit Trust of India Act, 1963 (52 of 1963), or the Food Corporation of India established under Section 3, or a Board of Management established for two or more contiguous States under Section 16 of the Food Corporation Act, 1964 (37 of 1964), or the International Airports Authority of India constituted under Section 3 of the International Airports Authority of India Act, 1971 (43 of 1971), or a Regional Rural Bank established under Section 3 of the Regional Rural Banks Act, 1976 (21 of 1976), or the Export Credit and Guarantee Corporation Limited or the Industrial Reconstruction Bank of India) of (the Banking Service Commission established, under Section 3 of the Banking Service Commission Act, 1975, or) (a banking) or an insurance company, a mine, an oil-field, (a Contonment Board), or a major port, the Central Government, and

- (ii) in relation to any other Industrial Dispute, the State Government;

[ (aa) “arbitrator” includes an empire ; ]”

22. If the Recruitment Rules which are framed by the President exercising the powers under Art. 309 of the constitution are applicable to the employees on the Establishment of the Artificial Limb Centre, then, it is in my opinion the Central Government which is the appropriate Government. In view of this position, I am unable to accept the contention raised on behalf of the management of the Centre, that it is the State Government, which is the appropriate Government, and that this Central Government Industrial Tribunal has no jurisdiction to adjudicate upon the present dispute.

Finding on preliminary issue accordingly.

R. G. SINDHAKAR, Presiding Officer

REFERENCE NO. CGIT-77 OF 1991

Bombay, the 12th October, 1994

#### AWARD

23. In Reference No. CGIT-77 of 1991, I have already recorded my findings on the preliminary issue and I have held the contention that the Central Government is not the appropriate Government is not correct. In the circumstances, I have heard learned advocate appearing on either side on the merits of that case.

24. It is obvious that the management is not disputing the fact that her services were terminated and on the ground that she was found to be superfluous to the requirements of the Artificial Limb Centre. In my opinion this could be a case of retrenchment within the meaning of Section 2(rr) of the Industrial Disputes Act. She had been in service since 1974 till her termination in 1988. Thus she has been in continuous service for a period of over a year. In the circumstances, provisions of Section 25F of the Industrial Disputes Act are attracted and it is not in dispute that she has not been given one month's notice contemplated by Clause (a) of Section 25-F, she has not been paid retrenchment compensation as per clause (b) of Section 25-F of the Act. There is no compliance of clause (c) by giving notice in the prescribed manner to the appropriate Government. It is therefore, a case of illegal termination and it is not necessary to refer to the authorities on this settled position of law. Learned counsel also did not dispute, in the circumstances, this position.

25. If that be so then in normal circumstances she would be entitled to relief of reinstatement with back wages. Back wages undoubtedly she can be directed to be given. However, with regard to reinstatement the management has in the course of written statement stated that the Amputee of Patients there are showing little or no interest in learning the art of making articles out of the plastic cane. It is submitted that the department is closed and therefore it would not be proper to direct reinstatement of the workman. In that event, it is submitted by the learned counsel for the workman that the management should be directed to pay compensation. I find that the submission is correct. However, the learned counsel appearing on behalf of the management submitted that the possibility of providing some employment could be still explored and if that is done and she is offered a job which would earn her emoluments she was earning this direction to pay compensation be not passed. That could be virtually directing reinstatement. However, it would be in order to finally dispose of his reference instead of keeping it pending. I think it would be appropriate to direct reinstatement and in the alternative payment of compensation if reinstatement was not found feasible.

4. Question of computing the amount of compensation is not that way a very difficult exercise. She is entitled to wages from the date of termination to the date of this order that is October 1994 which I direct to be paid. The age of retirement is 58 years and she would have continued in service for a period of 30 years more. This amount of course arrived will have to be scaled down and Mr. Kulkarni, on behalf of the workman was fair enough to concede that it would be necessary to do so. That is for two reasons. One is that she is being paid this amount without she being under an obligation to render service and the second is that she is being paid an amount of compensation in lumpsum which she would have got in monthly instalment had she been continued in service. I think the fair amount of compensation for this period could be Rs. 25,000. That could be paid only in the event she is not provided with alternative employment on the establishment of Artificial Limb Centre, Pune.

Award accordingly.

R. G. SINDHAKAR, Presiding Officer

नई दिल्ली, 15 नवम्बर, 1994

का.आ. 3456—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बोला नि उर मईस, दुर्गापुर स्टील प्लांट (एस.ए. आई. एल.) के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, भुवनेश्वर (उड़ीसा) के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-11-94 को प्राप्त हुआ था।

[संख्या एल 26015/1/92 आई.आर. (मिस)]  
बी एम डेविड, डेस्क अधिकारी

New Delhi, the 15th November, 1994

S.O. 3456.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of Industrial Tribunal, Orissa, Bhubaneswar, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bolani Ore Mines, Durgapur Steel Plant (SAIL) and their workmen, which was received by the Central Government on 15-11-1994.

[No. L-26015/1/92-IR(Misc)]

B. M. DAVID, Desk Officer

## ANNEXURE

INDUSTRIAL TRIBUNAL; ORISSA; BHUBANESWAR  
PRESENT :

Sri P. K. Tripathy, M.A.L.L.B., Presiding Officer, Industrial Tribunal, Orissa, Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 43 OF 1992  
(CENTRAL)

Dated, Bhubaneswar, the 7th day of November, 1994

BETWEEN

The management of Bolani Ore Mines, Durgapur Steel Plant (SAIL), Bolani, Distt. Keonjhar.

—First Party-management

AND

Their workmen represented through Barbil Workers' Union, P. O. Bolani, Dist. Keonjhar.

—Second party-workmen.

APPEARANCES :

None

—For both the parties.

AWARD

The Government of India in the Ministry of Labour in exercise of powers conferred upon them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication by this Tribunal vide their Order No. L-26015/1/92-IR(Misc.) dated 10/18-9-92.

"Whether the action of the management of Bolani Ores Mines of Durgapur Steel Plant (SAIL), P.O. Bolani Dist. Keonjhar (Orissa) in refusing entry into the mines office and premises to the Secretary, Barbil Workers Union thereby preventing workers in ventilating their grievances is justified? If not, to what relief the workers are entitled to?"

2. After service of notice though the workmen represented through the Secretary, Barbil Workers' Union, Bolani filed their statement of claims but they did not appear to participate in the hearing. Even at the stage when the management was set exparte and the case was adjourned from time to time for exparte hearing also they did not appear. It thus appears that perhaps the parties have amicably settled the dispute or in the alternative because of some unknown reason the workmen are no more interested in the case. Under such circumstance, the reference can not be answered in absence of any material or evidence. Hence, a no dispute award is passed in so far as the present reference is concerned.

Dictated & corrected by me.

P. K. TRIPATHY, Presiding Officer

नई दिल्ली, 16 नवम्बर, 1994

का.आ. 3457—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, मैसर्स सेंट्रल कोलफील्डम लिमि. की साखुवरा कोलियरी के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (स. 1), धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-11-94 को प्राप्त हुआ था।

[संख्या एल-20012/23/92 आई.आर. (कोल-1)]

बृज मोहन, डेस्क अधिकारी

New Delhi, the 16th November, 1994

S.O. 3457.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal. (No. I), Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Sarubera Colliery of M/s C.C.L and their workmen, which was received by the Central Government on the 14-11-1994.

[No. L-20012/23/92-IR(Coal-I)]  
BRAJ MOHAN, Desk Officer  
ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL NO. I, DHANBAD

In the matter of a reference under section 10(1) (d) of the  
Industrial Disputes Act, 1947.

Reference No. 4 of 1993

PARTIES :

Employers in relation to the management of Sarubera  
Colliery of M/s. C.C. Ltd.

AND

Their Workmen

PRESENT :

Shri P. K. Sinha, Presiding Officer

APPEARANCES :

For the Employers :—Shri R. S. Murthy, Advocate.  
For the Workmen :—None.

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 2nd November, 1994

AWARD

By Order No. L-20012/23/92-IR(Coal-I) dated 15-12-92 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication :

"Whether the action of the management of Sarubera Colliery of M/s. C.C. Ltd. in superannuation Sh. Munna Mahto, as ex-PR Worker w.e.f. 17-12-88 is justified ? If not, to what relief the workman is entitled ?"

2. The order of the reference was received in this Tribunal on 15-1-93. Thereafter notice was sent to the sponsoring Union by registered post to file written statement on behalf of the workmen. Despite more adjournments neither the concerned workman nor the sponsoring Union appeared and filed written statement. Even on 20-10-94 no one was present on behalf of the workman.

3. It, therefore, appears that the sponsoring Union has lost interest in this reference or that it now has no dispute to prosecute.

4. Therefore, I render a 'no dispute' award in the present reference case.

P. K. SINHA, Presiding Officer.

नई दिल्ली, 16 नवम्बर, 1994

का.प्र. 3458—औद्योगिक विवाद अधिनियम, 1947  
(1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय  
सरकार पंजाब नेशनल बैंक के प्रबंधन के सदस्य नियोजकों

और उनके कर्मचारियों के बीच, अनुबंध में निविष्ट औद्योगिक  
विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़  
के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को  
16-11-94 को प्राप्त हुआ था।

[संख्या एल-12012/3/92-आईआर(बी-2)]  
बी.के. शर्मा, डेस्क अधिकारी

New Delhi, the 16th November, 1994

S.O. 3458.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workmen, which was received by the Central Government on 16-11-94.

[No. L-12012/3/92-IR(B.II)]  
V. K. SHARMA, Desk Officer

ANNEXURE

BEFORE SH. M. S. SULLAR, PRESIDING OFFICER,  
CENTRAL GOVT., INDUSTRIAL TRIBUNAL-CUM-  
LABOUR COURT, CHANDIGARH

I.D. No. 50/92

Hukam Singh, Vs. Punjab National Bank.  
For the Workman.—Sh. Ashok Gupta.  
For the Management.—Sh. Bishan Singh.

AWARD

Dated 1-11-1994

In the wake of Industrial Dispute raised by the workman Central Govt. vide letter No. L. 12012/3/92/IR(D.U.) dated 30th April, 1992, referred the following dispute to this tribunal for adjudication :

"Whether the action of the Regional Manager, Punjab National Bank, Ludhiana in not transferring Sh. Hukam Singh Armed Guard from Phillaur to Aur (Lal), is justified ? If not, to what relief the concerned workman is entitled ?"

2. The brief facts relevant for the disposal of present reference petition are that Hukam Singh, workman was posted as Armed Guard at Punjab National Bank Phillaur Distt., Jalandhar. The case set up by the petitioner is that, he has been representing for his transfer to Punjab National Bank, Nawashahr, Doaba/Rohon Distt. Jalandhar. Subsequently, a vacancy arose at Punjab National Bank, Civil Lines, Jalandhar. He represented to the Regional Manager, Punjab National Bank, Civil Lines, Jalandhar, for this adjustment at Punjab National Bank Aur, at Nawashahr or Doaba/Rohon vide his request dated 21-8-1991.

3. According to the workman, the action of the Management in not adjusting him, is illegal and arbitrary. On the footing of aforesaid grounds, the workman has challenged the action of the Management for accommodating one Balkar Singh and ignoring his claim. The Management contested the claim of the workman and filed the written statement inter alia, stoutly denying, the allegations of the petitioner. According to the Management, the application of Balkar Singh was received earlier than that of the petitioner, so, Balkar Singh was adjusted. In all it has been alleged, the workman has no claim at all and that being so, the Management prayed for the dismissal of the reference petition.

4. During the pendency of the reference/petition the workman was transferred as desired by him. The representation of the workman has made the following statement on 1-11-1994.

"I am authorised Rep. of the Workman. Since the Workman has already been transferred as desired by

him, during the pendency of Reference petition, so the workman does not want to prosecute the Reference, which may be declined".

5. Since the workman had already been transferred as desired by him and no dispute remains to be settled. To my mind the reference petition becomes infructuous.

6. In this view of the matter and in view of the statement of the Representative of the workman, the reference petition is declined as having become infructuous. Ordered accordingly, Appropriate Govt. be informed. File be consigned to record room.

CHANDIGARH.

Dated : 1-11-1994.

M. S. SULLAR, Presiding Officer

नई दिल्ली, 16 नवम्बर, 1994

का.आ. 3459—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कार्पोरेशन बैंक के प्रबंधन के संबंध में निोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-11-1994 को प्राप्त हुआ था।

[संख्या एल-12012/30/90-आई आर (बी 2)]  
वी.के. शर्मा, डेस्क अधिकारी

New Delhi, the 16th November, 1994

S.O. 3459.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Corporation Bank and their workmen, which was received by the Central Government on 16-11-94.

[No. L-12012/30/90-IR(B-II)]  
V. K. SHARMA, Desk Officer

#### ANNEXURE

IN THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(142)/90

BETWEEN

Shri Gauhar Ali, Temporary Sub-staff represented through the Secretary, M. P. Bank Employees Association, Parwana Bhavan, Aminpara, District Raipur (MP).

AND

The Chairman and Managing Director, Corporation Bank, Main Branch, Mandasaur (M.P.)-575 001.

PRESENT :

Shri Arvind Kumar Awasthy, Presiding Officer.

APPEARANCES:

For Workman : Shri P. N. Sharma.

For Management : Shri G. Prabhakar Nayyar.

INDUSTRY : Banking DISTRICT : Raipur (M.P.)

AWARD

Dated : November 8, 1994

This is a reference made by the Central Government in the Ministry of Labour vide its Notification No. L-12012/

30/90 IR(B-II) Dated 24th May, 1990, for adjudication of the following dispute:—

#### SCHEDULE

"Whether the action of the management of Corporation Bank in relation to their Raipur Branch in terminating the services of Shri Gauhar Ali, Temporary sub-staff w.e.f. 8-9-89 and not offering him re-employment in service is justified? If not, to what relief the workman is entitled?"

2. The case of the workman, Shri Gauhar Ali is that he was appointed as Sub-staff at Raipur branch of the Corporation Bank and he worked there for more than 240 days continuously, but the management has removed him from service without giving the prior notice or without paying any compensation and that the management has not given the required opportunity to the workman at the time of filling the vacancy. The workman has prayed that he be reinstated with the payment of back wages and any other relief for which he is entitled be also granted to him.

3. It is not denied by the management that the workman was in duty for more than 240 days and the prayer of the workman was oppose on the ground that the appointment of Shri Gauhar Ali was on temporary basis and it was not against any service rules. Management has alleged that the provisions of Sec. 25A, B,C,H & F of the I.D. Act were not violated by the management and the reference is liable to be answered in negative.

4. Shri P. N. Sharma who used to appear on behalf of the workman has filed the Settlement on 12-9-94 and the settlement was verified by Shri Prabhakar Nayyar appearing from the side of the management. The prayer of the parties is that the Award be passed in terms of the Settlement. After the perusal of the terms of settlement I am of the opinion that they are just and proper. The joint settlement Memo filed by the parties are as follows :—

1. That the applicant hereby agrees to withdraw the subject dispute raised on behalf of Shri Gauhar Ali, S/o Ramzan Ali, Moosa Hotel, Mominpura, Raipur-1.
2. That the non-applicant agrees to appoint Shri Gauhar Ali as a peon at the Kanpur Branch of the non-applicant Bank subject to his fulfilling the eligibility criteria required for appointment as peon in the Bank, with effect from the date of filing of this joint memo before the Hon'ble Tribunal. Initially for a period of 6 months from the date of filing this joint memo, the appointment of Shri Gauhar Ali shall be on probation.
3. The applicant agrees not to claim any service benefits, whatsoever, for the period of temporary service put in by Shri Ali prior to his appointment in terms of this joint memo.
4. The applicant agrees not to quote the settlement of this dispute as a precedent to decide any pending or future cases.
5. Consequently, the reference is answered in terms of the settlement. Parties to bear their own costs.

ARVIND KUMAR AWASTHY, Presiding Officer

नई दिल्ली, 16 नवम्बर, 1994

का.आ. 3460—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मै. सैंट्रल कोलफील्डस लिमि. के कारो स्पेशल प्रोजेक्ट के प्रबंधन के संबंध में निोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय

सरकार औद्योगिक अधिकरण (मं. I) धनवाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-11-94 को प्राप्त हुआ था।

[संख्या एल-20012/160/92-आईआर (कोल-I)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 16th November, 1994

S.O. 3460.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. I), Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Karo Special Project of M/s. C.C.L. and their workmen, which was received by the Central Government on 14-11-1994.

[No. L-20012/160/92-IR (Coal-I)]

BRAJ MOHAN, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 9 of 1993

#### PARTIES :

Employers in relation to the management of Karo Special Project of M/s. C.C. Ltd.

#### AND

Their Workmen.

#### PRESENT :

Shri P. K. Sinha, Presiding Officer.

#### APPEARANCES :

For the Employers—Shri R. S. Murthy, Advocate.  
For the Workmen—None.

STATE : Bihar INDUSTRY : Coal  
Dated. the 2nd November, 1994

#### AWARD

By Order No. L-20012/160/92-IR (Coal-I) dated 15-1-93, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication :

“Whether the punishment given by the management of Karo Special Project of CCL Bermo to Shri Sahdeo Prasad, Munshi, Karo Special Project of CCL is justified ? If not, to what relief is the workman concerned Shri Prasad entitled ?”

2. The order of the reference was received in this Tribunal on 28-1-93. Thereafter notice was sent to the sponsoring Union to file written statement on behalf of the workman. Despite more adjournment neither the concerned workman nor the sponsoring Union appeared and filed written statement. Even on 20-10-94 no one was present on behalf of the workman.

3. It, therefore, appears that the sponsoring Union has lost interest in this reference or that it now has no dispute to prosecute.

4. Therefore, I render a ‘no dispute’ award in the present reference case

P. K. SINHA, Presiding Officer

2678 GI/94—6

नई दिल्ली, 16 नवम्बर, 1994

का.आ. 3461:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय जीवन बीमा निगम के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-11-94 को प्राप्त हुआ था।

[संख्या एल-17012/9/92-आईआर बी-2]

वी.के.शर्मा, डेस्क अधिकारी

New Delhi, the 16th November, 1994

S.O. 3461.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Life Insurance Corporation of India and their workmen, which was received by the Central Government on 16-11-1994.

[No. L-17012/9/92-IR (B-II)]

V. K. SHARMA, Desk Officer

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT JABALPUR (M.P.)

Case No. CGIT/LC(R)(128)/1992

#### BETWEEN

Shri Ravi Shankar Kaushal Peon, represented through the Insurance Workers Union, Jeevan Prakash Madan Mahal, Nagpur Road, Jabalpur-482001.

#### AND

The Senior Divisional Manager, Life Insurance Corporation of India Jeevan Prakash Madan Mahal, Nagpur Road, Jabalpur-482001.

#### PRESENT :

Shri Arvind Kumar Awasthy, Presiding Officer.

#### APPEARANCES :

For Workman—Shri C. L. Sethi.  
For Management—Shri S. K. Gupta

INDUSTRY : Life Insurance Corporation DISTT. : Jabalpur (M.P.)

#### AWARD

Dated, November 8, 1994

This is a reference made by the Central Government in the Ministry of Labour vide its Notification No. L-17012/9/92-IR (B II) dated 24-6-1992, for adjudication of the following dispute :—

#### SCHEDULE

“Whether the action of Sr. Div. Manager, LIC of India Jabalpur in not confirming services of Shri Ravi Shankar Kaushal Peon (who was appointed on 29-8-89) after expiry of probation period of six months is legal and justified ? If not, to what relief is the workman entitled ?”

2. The case of the workman is that he was appointed as a Peon in the L.I.C. Divisional Office, Jabalpur vide appointment order dated 29-8-89 and as per condition No. 4 of the appointment order the workman was to be kept on probation for a period of six months. It is alleged by the workman that after the completion of the probation period of six

months the management has not confirmed him and the management has deprived the workman from the benefit available to him after the confirmation.

3. On 30-9-94 the management filed an application to the effect that the workman, Shri Ravi Shankar Kaushal, was confirmed vide letter dated 21-4-92 with effect from 1-3-90 and all the benefits after confirmation have been granted to him. On 20-9-94 the workman, Shri Ravi Shankar Kaushal, also made endorsement in the said certification regarding his confirmation and has prayed to drop the dispute. Looking to the terms of the reference I am of the opinion that the prayer of the parties to drop the dispute is just and proper.

4. The management has prayed that the order dated 5-8-92 by which the management is prohibited to pass the final order in the departmental enquiry against the workman be vacated. From the perusal of the order dated 5-8-92 it is clear that the prohibitory order was passed ex-parte. The terms of reference does not relate to the D.E. against the workman. Consequently, the prayer to vacate the prohibitory order dated 5-8-92 is just and proper. However, the reference is full answered the need to keep alive prohibitory order dated 5-8-92 does not exist. Consequently, the order prohibiting the management to pass final order in the departmental enquiry against the workman is hereby vacated.

5. The workman has received all the benefits of the confirmation and he was confirmed and as such there remains no dispute to answer the reference. Parties to bear their own costs.

ARVIND KUMAR AWASTHY, Presiding Officer

नई दिल्ली, 17 नवम्बर, 1994

का.आ. 3462:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय जीवन बीमा निगम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अन्वय में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 1 वर्ग, के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-11-94 को प्राप्त हुआ था।

[संख्या एल-17012/28/89-आईआरवी-2]  
बी.के. शर्मा, डेस्क अधिकारी

New Delhi, the 17th November, 1994

S.O. 3462.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 1, Bombay as shown in the Annexure in the industrial dispute between the employers in relation to the management of Life Insurance Corporation of India and their workmen, which was received by the Central Government on 17-11-1994.

[No. L-17012/28/89-IR (B-II)]  
V. K. SHRAMA, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL NO. 1, BOMBAY

PRESENT :

Justice R. G. Sridhakar, Presiding Officer

Reference No. CGIT-57 of 1989

PARTIES :

Employers in relation to the management of L.I.C. of India

AND

Their workmen.

APPEARANCES :

For the Management—Shri Kirtikar, Officer

For the Workman—Shri A. S. Deo, General Secretary.

INDUSTRY : Insurance

STATE : Maharashtra

Bombay, the 31st day of October, 1994

#### AWARD

Government of India, Ministry of Labour has made under Section 10(1)(d) read with sub-section 2-A of the Industrial Disputes Act, following reference for adjudication :

"Whether the action of the management of LIC of India in deferring the stagnation increment of Shri B. G. Damle, Typist from 1-1-1985 to 1-1-1987 is justified? If not to what relief the concerned workman is entitled?"

2. Statement of claim and written statement and further rejoinder have been filed.

3. The case of the Union is that Shri Damle was working as a Typist, a Class III employee, at the material time was at Mulund branch of the Corporation. He was in Assistant scale 175—585 before the scales were revised by the Government's Notification of 11-4-1985. It is stated that his basic pay on the date of notification was Rs. 585 the maximum of the grade. The service conditions in pre-notification period were governed by the settlement dated 24-1-1974. As per the existing practice on the provisions of the settlement the employees in Class III and IV (which includes the scales of Assistant) the concerned workman was entitled to what is known as stagnation increment which falls due once in every two years subject to maximum of three increments. Shri Damle normal grade increment falls due on 1st February every year. He reached his maximum on 1-2-1984.

4. His stagnation increments became due on 1-2-1986. However, before that date on 11-4-1985 revision of pay scale for all cadres was announced and they were made effective retrospectively from 1-4-1983.

5. As a result of the revision of pay scales Shri Damle was fitted into the new scales and he was given basic stage at Rs. 1660 on 1-4-1983 and according to the Association in the process on his completion of two years on 1-2-1985 (his date of last increment being 1-2-1983) fitted him at the next stage, that is, Rs. 1735. Thus he was allowed an addition equivalent to his last increment on completion of two years on 1-2-1985.

6. However, after lapse of several months the workman get a letter dated 12-9-1986 and a copy of the memo dated 6-2-1987 addressed to Salary Section by the Senior Divisional Manager informing the salary section that the stagnation increment due on 1-1-1985 has been postponed consecutively for two years from 1-1-1985 to 1-1-1987 showing the net recovery of Rs. 1812 which the office started recovering from his salary by monthly instalments of Rs. 150 and the last instalment of Rs. 162. Earlier, another letter dated 23-8-1986 was sent to him. However, letter dated 12-9-1986 was received by him on 22-11-1986. Both of them are in respect of the postponement of his stagnation increment due on 1-1-1985 and 1-1-1986.

7. Shri Damle protested for deferment of his increments and illegal recovery, Association wrote to the Senior Divisional Manager and industrial dispute came to be raised.



Conciliation proceedings failed in spite of discussion and ultimately this reference is made when it was found that the management was not agreeable to the meet the demands.

8. The Association maintaining that Shri Damle had unblemished record, he crossed efficiency bar in the scale of Assistant on two occasions, the last being few years back. The management did not chargesheet him for any misconduct/inefficiency/indolence under the Staff Regulations. Management did not take any action. He further stated that he was entitled to the maximum of his old scale i.e. Rs. 585 on 1-2-1984. The stagnation increment would have fallen due two years later, i.e. 1-2-1986, but for the intervening notification dated 11-4-1985 and the formula given therein. He then tried to justify the fixation and the payment of arrears already made. He further made a grievance about re-opening of the case and submitted that it was unjustified. He has also stated that the additional increment has been unjustifiably denied. He has therefore, asked for the relief mentioned in the prayer for clause 34. He has annexed to the statement of claim two letters dated 23-8-1986 and 12-9-1986.

9. Written statement has been filed on behalf of the management. It is first contended that the Industrial Court has no jurisdiction to vary or modify the terms and conditions of service which are laid down in exercise of the powers vested in the authorities under a statute. Accordingly under Section 48, rules have been framed and they shall prevail.

10. It is submitted that Shri Damle was working as a Typist, a Class III employee in Mulund branch in the scale 175—585 when the revision took place. His scale of pay was Rs. 560 on 1-2-1983 and he would have reached the maximum of the scale, i.e. Rs. 585 on 1-2-1984. Thereafter, he was eligible to stagnation increment at the end of every two years subject to a maximum of three stagnation increments. However, it is contended that they are to be released only if work record of the workman is found to be satisfactory. His first stagnation increment would have fallen due on 1-2-1986 and would have been released only if his work record was found to be satisfactory. However, before that date was reached on 11-4-1985 revision of pay was announced by notification and it was brought in force retrospectively from 1-4-1983. His corresponding scale was 520—1660 and a method of fixation was also laid down. He had reached the stage of 560 in the old scale on 1-4-1983. His corresponding stage was 1660 in the new scale and therefore, his basic pay stood at 1660 on that day on 1-2-1984 he would have been on the same pay as that was the maximum of the new scale. His stagnation increment would have fallen due in the new scale on 1-2-1985. Thus as against his first stagnation increment falling due on 1-2-1986 in the old scale his first stagnation increment would have fallen due on 1-2-1985 because of the new scale. The date of stagnation increment had to be advanced under the method of fixation having regard, inter alia, to the fact that the span of the new scale of pay is shortened by one year. At the end of April 1985 instructions dated 19-4-1985 were issued by the Central Office of the I.C. for fixation of salary and other benefits and for release of arrears as early as possible. The Divisional Office in turn asked all offices under its control to proceed with the calculations of arrears and release payment. Calculations were to be made by Branch Office, where workman was employed and the payment of arrears was to be made and in fact made by the Branch Office to the workman. Thereafter, the calculations have to be checked by the controlling Divisional Office for appropriate action wherever any error or discrepancy was found.

11. In respect of Shri Damle the Branch Office made the calculations by fixing his basic pay on 1-4-1983 at 1660 as per the chart and without any application of mind and without requisite authority inadvertently allowed fixation at 1735 from 1-2-1985, his date of stagnation under the new scale of pay. The Branch Manager was not the Competent Authority for release of stagnation increment. The calculations were made under pressure of work and with confidence that errors if any would be rectified in due course after the calculations were checked by the controlling office.

12. The controlling office noticed this and found that under the rules he should have been allowed. Temporary Personal Allowance at the rate of Rs. 75 per month and not the benefit of Stagnation increment. It is reiterated that the Competent Authority had to authorise stagnation increment if the work record was found satisfactory. In the case of Shri Damle after a careful consideration of the matter and relevant work record, Competent Authority took decision to defer the stagnation increment due on 1-2-1985 to 1-2-1986 and again from 1-2-1986 to 1-2-1987 on the basis that his work record was found unsatisfactory. His case was considered in 1987 and as the work record was found to be satisfactory, the stagnation increment was released w.e.f. 1-2-1987. It is under these circumstances, that the management has justified the action and submitted that the reference will have to be answered accordingly. It is contended that there is a statutory rule, that if work record is not satisfactory, no stagnation increment can be released and in view of this position it was not necessary to communicate the reasons for not allowing the stagnation increment to the employee concerned.

13. By the rejoinder, the Association has controverted the decision taken up by the Corporation in this written statement. It maintains that the action taken earlier in releasing the stagnation increment was correct and the subsequent action of the Corporation was unjustified.

14. Shri Damle has filed an affidavit in support and he has been cross-examined on behalf of the Corporation. Written submissions have been made by both sides. Facts are not in dispute except on the point of unsatisfactory record of Shri Damle which is a justification for deferring stagnation increment which was admittedly due on 1-1-1985. On behalf of the Association it has been contended that the stagnation increment ought to have been released and is in fact released and it should not have been withdrawn as has been done by the management. As stated earlier both sides reply upon the same provisions namely clause 7 so far as is relevant. Therefore, at the outset it mentions "subject to the work record being found satisfactory." Then it says "may be granted for every two completed years of service after reaching such maximum...." Then in the proviso it says "provided that where an employee is not granted additional increment referred to in clause (a) or clause (b) at the end of two years or as the case may be, three years of service, from the date of his last increment or the last additional increment, his case shall fall due for review in each calendar year in the month following that in which he completes twelve months of service in that year, so long as he has not been allowed the increment, and if it is decided to allow the increment, it shall take effect from the first of the month in which the review has fallen due in the calendar year in which the decision is taken to allow the increment." Explanation says that for the purpose of this rule, the competent authority to allow the additional increment shall be the authority competent to allow the employee to cross the efficiency bar as specified in Schedule IV of the Staff Regulations. In this case Shri Damle's pay was fixed on the assumption that he has been granted stagnation increment before the same was in fact sanctioned by the Competent Authority. He therefore, cannot take advantage of this fact to argue that since he was paid on the basis of release of stagnation increment same cannot be withdrawn. That would not be a sound argument. The letters dated 23-8-1986 and 12-9-1986 show that the Competent Authority had deferred granting of stagnation increment due to him with effect from 1-1-1985 and 1-1-1986 to 1-1-1987 and it is hereafter that it was granted.

15. The point, however, that is raised is whether the action of deferring this grant of stagnation increment due w.e.f. 1-1-1985 to 1-1-1986 and thereafter to 1-1-1987 is justified. That could be justified only on the ground that the work record was not satisfactory. True it is that on this ground it could be done. However, Corporation has to justify that action on that ground.

16. In the first instance it has to be stated that the two communications on the subject are to be found at Annexure-A&B with the statement of claim. The first is

dated 23-8-1986 and second is 12-9-1986. The first says that the Competent Authority has deferred the consideration of granting stagnation increment due to him with effect from 1-1-1985 by two years to 1-1-1987. The other says that the consideration of granting stagnation increment due to him w.e.f. 1-1-1985, deferred by one year to 1-1-1986 is further deferred by one year to 1-1-1987 by the Competent Authority. They did not in the first instance mention the reasons for this decision. The Corporation comes out with a case that it is not necessary to do so. It is difficult to appreciate this line of argument. The employee who is stagnated is entitled under the rules to get stagnation increment and if corporation wanted to deprive him of that it must not only have material to do so but should be able to apprise employee the reasons for doing so. The absence of reasons in the two communications cannot be explained away on the hypothesis that it was not necessary to do so and therefore, not done. Shri Damle has filed an affidavit and he has stated that he had a good record. He crossed efficiency bar as and when he came across that bar and he further stated that he was diligent in the discharge of his duties. He also said that his attention was not invited to any adverse remark in his daily diary or any other report. He was cross-examined and therein he was shown a letter marked 'X' dated 4-8-1984 and he admitted that he was told to improve his performance. That is the solitary document which shows that he was informed that this out-put for review slips fell short of expectations and that he was being requested to improve his performance and there was no improvement. He was therefore, instructed to increase his out-put of review slips and expectations from him that he will fulfill expectations of the Sr. Divisional Manager were expressed. Besides this it is evident that Shri Damle was not told about any short comings. There is no other material produced on record to show that his work record was not satisfactory.

17. Management appears to have based its conclusion for deferring stagnation increment on some confidential reports. It is interesting to note that in the notes of decisions dated 31-8-1988, exhibit M-11 the management itself states that it was not mandatory for the Corporation to convey the adverse remarks to the employee since the reports to be taken into consideration for the purpose of release of stagnation increment on 1-2-1985 were for the year 1983, and 1984 wherein adverse remarks were made. It is further stated that while writing the said reports the Reporting Authority, Reviewing Authority or even the employee was not aware of the fact that the adverse remarks in the said reports are likely to affect the employee adversely in future. for the obvious reasons that the employee at that stage was in the running grade and was entitled to draw only normal grade increments in the scales which are to be released (and were released) without any reference to confidential reports as they become due only by virtue of 365 days active service, irrespective of records. It further states that these reports were written by the authorities in the B.O. in a very fair manner, without any bias or ill intention and were not conveyed to the employee since at the relevant time it was not going to effect the employee adversely in any manner. It further states that the said stagnation increment had fallen due w.e.f. 1-1-1985 consequent upon the implementation of the instructions regarding the revision of pay scales issued in April 1985. The erroneous action of B.O. was noticed and thereafter rectified by the office in the month of June 1986 and the official and authentic decision to defer the stagnation increment from 1-1-1985 to 1-1-1986 was taken in the month of July 1986. It was conveyed in writing to the employee within 2 months that is in the month of August 1986. From all this it will be evident that the decision to defer the grant of stagnation increment was based on reports, which were not conveyed to him and which reports were made by the Reporting Authority and reviewed by the Reviewing Authority without consciousness that remarks were likely to affect the employee adversely in future. It is rather difficult to see justification for the action of the Corporation in deferring the grant of stagnation increment on the basis of such reports. Solitary letter of 4-8-1984 would surely not justify deferring the grant of stagnation increment not only once but twice. The decision taken are in quick succession. The first decision is taken on the 24th July 1986 and has been conveyed on

23-8-1986 (in respect of deferring it to 1-1-1986) and the second decision conveyed on 12-9-1986 as per Exhibit W-10 sell contained note dated 9-5-1988 in respect of deferring it to 1-1-1987. In fact the two letters which are produced alongwith the statement of claim annexed A&B make interesting reading. Letter annexed-A dated 23-8-1986 mentions that the Competent Authority has deferred the consideration of granting stagnation increment due to him w.e.f. 1-1-1985 by two years to 1-1-1987. If the decision taken on 24-7-1986 stagnation increment was deferred for one year and if it was conveyed by letters dated 23-8-1986 then how is it that it comes to mention that it has been deferred by two years. The subsequent letter dated 12-9-1986 annexed-B says that the consideration of granting stagnation increment w.e.f. 1-1-1985 deferred by one year to 1-1-1986 is further deferred by one year to 1-1-1987. This is also not consistent with what has been referred in the notes of decisions Exn. W-13 dated 31-8-1988. I therefore, find that the Corporation's attempt to justify its action has not been successful. It is one thing to say that the grant of stagnation increment is subject to work record being found satisfactory and another to say that the Corporation can have a look at whatever is in their possession without giving the employee an opportunity not only to controvert that material but even to know that material. Atleast at some stage Corporation should have been able to produce material to justify its action and I would say that it should have been possible for the Corporation to do so in this proceeding at least when its action was challenged by the employee.

18. It is thus found that Shri Damle was drawing basic of Rs. 760 on 1-1-1983 and the corresponding basic salary for that stage was Rs. 1660. Two years later which date could be 1-2-1985 (normal date of increment of Shri Damle) he would be entitled to stagnation increment raising his salary to 1735. His pay ought to have been fixed at Rs. 1735 on 1-2-1985 and on that basic paid other allowances and benefits arising therefrom. The action of the management in deferring this stagnation increment to 1-1-1986 and thereafter to 1-1-1987 has not been justified on the plea that the work record was not found satisfactory and therefore, deferred. Consequent upon this the recovery made is not justified.

19. Since management has released the stagnation increment on 1-1-1987, it is obvious that it had no objection to the grant of the stagnation increment to him w.e.f. 1-1-1987 but that would not be the first stagnation increment but the second stagnation increment. The question of grant of third and last stagnation increment would have arisen on 1-1-1989 and that is pending adjudication of this dispute. It will be for the management to consider in the light of his relevant work record to release that increment.

Award in favour of Shri Damle accordingly.

R. G. SINDHAKAR, Presiding Officer

नई दिल्ली, 17 नवम्बर, 1994

का.आ.3463—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, सेंट्रल साईन प्लानिंग एण्ड डिजाईन इंस्टीट्यूट लिमि., गोंदवाना जेम, कनकी रोड, रांची के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. I) धनबाद, के पंचपद को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-11-94 को प्राप्त हुआ था।

[संख्या पत्र-20012/19/90—आई आर (कोल-I)]

ब्रज मोहन, डैम्क अधिकारी

New Delhi, the 17th November, 1994

S.O. 3463.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. (1), Dhanbad, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central mine Planning & Design Institute Ltd, Gondwana Place, Kanke Road, Ranchi and their workmen, which was received by the Central Government on the 16-11-94.

[No. L-22012/19/90-IR(Coal-1)]

BRAJ MOMAN, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) (2-A) of the Industrial Disputes Act, 1947.

Reference No. 199 of 1990

#### PARTIES :

Employers in relation to the management of Central Mine Planning & Design Institute Ltd, Gondwana Place, Kanke Road, Ranchi.

#### AND

Their Workmen

#### PRESENT :

Shri P. K. Sinha, Presiding Officer.

#### APPEARANCES :

For the Employers.—Shri Uday Prakash, Personnel Officer.

For the Workmen.—Shri Abraham Mathews, General Secretary, National Coal Workers Congress.

STATE.—Bihar. INDUSTRY.—Coal.

Dated, the 8th November, 1994

#### AWARD

By Order No. L-20012(19)/90-I.R.(Coal-I), dated, the 27th August, 1990, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the demands of the union that (1) All Driver-cum-Mechanics be placed in the Technical & Supervisory Gr. ‘C’ Rs. 742—1422 NCWA-III i.e. Rs. 1222-2230 revised under NCWA-IV with all attendant benefits and consequential reliefs from the respective date of their appointment/promotion to the post of Driver-cum-Mechanic;

(ii) All Drivers be placed in the scale of Technical and Supervisory Gr. ‘C’ with retrospective effect from respective dates of appointment to the post of Driver;

(iii) All Driver-cum-Mechanics and Drivers be paid V.D.A. on the basis of number of days of each calendar month with the retrospective effect and fitments granted accordingly from 1-1-75, 1-1-79, 1-1-83 and 1-1-87 as granted to their counterparts in service from on or before 31-12-74 are justified? If so, what relief the workmen are entitled and from which date?”

2. This reference case was placed for hearing on 27-10-1994. On that date Sri A. Mathews representing the sponsoring Union submitted that the sponsoring Union does not want to contest this dispute since the concerned workmen not evincing any interest nor they are interested in contesting this reference. A prayer was made to render a ‘no dispute’ award. The petition to this effect was filed on behalf of the sponsoring Union.

3. In view of the submissions made by the sponsoring Union, I render a ‘no dispute’ award in the present reference case.

P. K. SINHA, Presiding Officer

नई दिल्ली, 17 नवम्बर, 1994

का.आ. 3464—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसंस, गानाद्रा शिपिंग एजेंसिस, बम्बे, के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 1, बम्बे के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-11-94 को प्राप्त हुआ था।

[संख्या एल-31012/14/90-प्राई आर (मिस.)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 17th November, 1994

S.O. 3464.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 1, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Ganatra Shipping Agencies, Bombay and their workmen, which was received by the Central Government on 17-11-94.

[No. L-31012/14/90-IR(Misc.)]

B. M. DAVID, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, BOMBAY

#### PRESENT:

Shri Justice R.G. Sindhakar, Presiding Officer.

REFERENCE NO. CGIT-70 OF 1990

#### PARTIES:

Employers in relation to the management of M/s. Ganatra Shipping Agencies, Bombay.

#### AND

Their workmen.

#### APPEARANCES:

For the Management : No appearance

For the Workman : Shri Wagh, Advocate.

INDUSTRY : Clearing & Forwarding STATE : Maharashtra  
Bombay, dated the 17th day of October, 1994

#### AWARD

Government of India, Ministry of Labour has made under Section 10(1)(d) read with sub-section 2A of the Industrial Disputes Act, 1947, following reference for adjudication.

"Whether the management of M/s. Ganatra Shipping Agencies-Clearing & Forwarding Agents operating in Major Port-Bombay—are justified in—

- (i) dismissing the workman Shri Bhaskar Shankar Gadhave, Dock Clerk from service w.e.f. 9-3-1989, and
- (ii) denying the revised wage pay scale and other perks, as per settlement on 27th February, 1985 from the date he joined the service.

If not, what relief is the workman entitled to?"

2. Statement of claim has been filed by Secretary, Transport & Dock Workers' Union, Bombay. Shri Gadhave was in the employment of M/s. Ganatra Shipping Agencies (hereinafter referred to as the Company) as a Dock Clerk. His services were terminated w.e.f. 9-3-1989. This action on the part of the company is styled as unjustified, illegal and against principles of natural justice and equity. He was an active member of the Union and used to approach the Company and the union for a solution of the grievance of the co-workmen. He was also paid very low salary of Rs. 525 per month. In fact as per Clearing Forwarding industry settlement dated 27-2-1985 signed between the Custom Clearing Agents Association and the Transport and Dock Workers' Union, Bombay. It should have been Rs. 1700 per month and he should be entitled to other benefits. He was therefore, demanding for revision of his salary on that basis. The company, therefore, was not happy with the workman, and it is the case of the union, his services were orally terminated w.e.f. 8-12-1988. Company issued two charge-sheets in the meanwhile dated 9-12-1988 and 12-12-1988. The union claims they were not served on workman. The company conducted an ex-parte enquiry for the charges and the Enquiry Officer found him guilty on both counts. He was not properly served with the alleged chargesheets, ex-parte enquiry conducted was also not proper and according to the principles of natural justice, fairplay and equity. While conducting the enquiry evidence of only partners of the company was recorded and no independent witness was examined. Interested word of the partners was accepted, that vitiated the enquiry. It is further contended that he was not given proper opportunity to defend himself. Union therefore, prayed that the dismissal be set aside and he be granted relief not only of reinstatement but also given benefit of revised wage scale and other perks as per settlement on 27th February 1984 from the date he joined the service.

3. On behalf of the Company written statement has been filed. It is the company's case that the workman misbehaved and therefore, was sought to be chargesheeted. Attempt to serve the chargesheet did not succeed and therefore, another chargesheet was given to him. Both those chargesheets could not be served because of the attitude of the workman. Enquiry was instituted and enquiry conducted was fair and proper in accordance with the principles of natural justice and in which enquiry he was held guilty and therefore, punishment was imposed upon him. It is further contended that it was a small company having only two permanent and three temporary employees at the relevant time. He was engaged as an apprentice for about 6 months and thereafter for 2 years he worked as a Dock Clerk. The company is not a member of Customs and Clearing Agents Association and is not aware of agreement and settlement between them and the union of employees. It is not possible to revise the pay scales. He was offered an increment of Rs. 50 during Diwali and promised further rise of Rs. 100 in December 1988. He however did not approved of this and desired that he should be paid Rs. 1200 per month. He committed misconduct and therefore, was sought to be chargesheeted but he declined to accept the chargesheet and therefore another chargesheet was served. Attempt to serve the notice of the

enquiry was also unsuccessful and therefore, it was punished in the press and yet he did not appear. Even then the Enquiry Officer recorded evidence and relevant material and found him guilty and the management accepted the said report and passed the impugned order.

4. The management produced relevant documents which include the papers of enquiry. It is submitted on behalf of the management that after a fair enquiry and which was held in accordance with the principles of natural justice he was found guilty and therefore, visited with the penalty. The union, however, contends that there was no fair enquiry. I have heard Mr. Wagh, appearing on behalf of the union. There was no appearance on behalf of the management.

5. Mr. Wagh submitted that the chargesheets were not served on him and there was no evidence to show that attempts were made to serve him. Publication in Press is also not proved and not sufficient as well. In the circumstances, ex-parte enquiry could not have been held. He further submitted that independent witnesses who would have been there at the time of incident have not been examined and the Enquiry Officer relied upon only the interested witnesses. He further says that second show cause notice was not issued and therefore the dismissal order is bad. He conceded, however, that with regard to the second point raised in the order of reference namely about the benefit of revision of pay scale in accordance with the settlement there was no material and therefore, was not in a position to justify that part of the union's claim.

6. Just as there is no evidence adduced in behalf of the management to prove attempt made on the part of the company, there is also no evidence on the part of the union to show that he was not aware of the charge sheets that were sought to be served on him and the institution and commencement of the enquiry proceedings. The management's case is that all attempts to serve the charge sheet on the delinquent have not been successful. Its further case is that attempt to serve the notice of the enquiry proceedings also were unsuccessful. It has produced the letters which were sent by registered post which were returned with endorsement "unclaimed" and it is seen therefrom that the attempt to serve charge were unsuccessful. The enquiry in the circumstances commenced and it will be seen from the proceedings recorded by the Enquiry Officer on 24th December, 1988 he was not present and since the intimation was not received by the charge sheeted workman, the enquiry was adjourned and next date was fixed. The company directed to send separate intimation letter, intimated the adjourned date, time and place. On the following date, that is 4th February, 1989 since packet was returned "unclaimed" and produced before the Enquiry Officer he adjourned the proceedings. It was mentioned in the proceedings of the day that date 14th January, 1989 which was fixed earlier was communicated by Shri I. S. Sawant, Secretary, Transport and Dock Workers' Union and Shri Sawant was appearing in the enquiry and defence counsel had requested on telephone to the management for postponement of enquiry on the ground that he was not in a position to attend the enquiry on 14th January, 1989. Therefore, the enquiry was adjourned to 4th February, 1989 with intimation letter dated 12th January, 1989. This communication was also returned by the delinquent. However, it was received by Shri Sawant on 12th January, 1989 by hand delivery. Those documents were produced. At this stage Enquiry Officer was requested to proceed with the matter because delinquent was not remaining present inspite of receiving intimation and the Enquiry Officer on being satisfied that Shri Sawant had received intimation of that heading. Since there was no documentary evidence to show that the delinquent had received copies of the charge sheet or intimation letter sent to him from time to time in view of the principles of natural justice, gave one more chance to the delinquent to participate in the enquiry and adjourned it to 6th March, 1989. Shri Ganatra for the Company was directed to publish the adjourned date time and place of enquiry in local newspaper and accordingly in the local newspaper it was published. Shri Ganatra had produced in fact a copy of the newspaper 'Navakal' dated 2nd March 1989 in which the notice of the enquiry was published and he had also produced a copy of the letter dated 27th February 1989 addressed to the Editor, Nayaka for

the publication of the notice of the enquiry and abstract of publication of notice dated 2nd March, 1989 appearing in Navalkar. There was enough evidence before the Enquiry Officer to hold that it was duly published in Navalkar newspaper having fairly wide circulation in this area. Even then workman did not remain present before the Enquiry Officer, the matter was for recording evidence. Since the delinquent employee was not present, there was no cross-examination and no further submission. Enquiry Officer on the basis of the material concluded that he was found guilty of the charges levelled against him. That was accepted by the Competent Authority and the order of dismissal was passed.

7. With regard to the contentions raised on behalf of the workman, first is that he was not aware of enquiry proceedings, it was wrong in the part of the Enquiry Officer to proceed ex-parte. It is evident from the papers of enquiry that attempts were made to serve him and since he did not accept the notices sent and which fact is evidenced by the endorsements on the postal envelopes the paper publication was found necessary. That the management did not abstract of the newspaper is produced at page 25. The learned advocate for the union submitted that this could not be evidence of publication and something more ought to have been done. I see that the Enquiry Officer was satisfied with this publication and thereafter he proceeded ex-parte. The management's witness was examined thereafter. It is also to be noted Shri I. S. Sawant, Secretary of the Transport & Dock Workers' Union which is now espousing the cause of the workman was to appear in the enquiry as defence counsel and he had intimated his inability to attend the enquiry on 14th January, 1989 and thereafter, it was adjourned to 4th February, 1989. Communication of this was sent both to Shri Sawant and the delinquent workman, workman's packet came back with endorsement "unclaimed" while packet sent to Shri Sawant was served on him by hand delivery. They were produced. Shri Sawant thereafter did not appear before the Enquiry Committee. The Enquiry Officer in the circumstances could do nothing more than what he did and proceeded ex-parte. Thereafter, the evidence of two partners was recorded and was found satisfactory and sufficient. I see no reason why it should be urged that the enquiry was not fair, proper and in accordance with the principles of natural justice in the circumstances. I do not find it vitiated on any account whatsoever.

8. The delinquent workman may entertain a genuine grievance about payment of salary which was inadequate and the union may also share that view of the workman but to adopt a posture which he did not certainly not proper and cannot be encouraged. He forced the hands of the company to take action against him.

9 Mr. Wagh urged that the company should not be allowed to get away with such orders of dismissal. I agree that in a given case it may be necessary that the management should be told that their action was not justified if they act unfairly and contrary to the principles of natural justice. But this is not in my view a matter in which the management is required to be so told. In fact it is a case in which I find that the attitude of the delinquent workman invited the trouble for him. In the circumstances I find that the issue

No. 1 in favour of the management, No. 2 against the delinquent workman and No. 3 in the negative is that last i.e. point conceded by Mr. Wagh and there is no material also in support of the contention that there was a settlement and under which the delinquent workman was entitled to revised pay scale and other perks.

Award accordingly

R. G. SINDHAKAR, Presiding Officer

नई दिल्ली, 17 नवम्बर, 1994

का.आ. 3465-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मालाजखंड कॉपर प्रोजेक्ट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर (एम. पी.) के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-11-94 को प्राप्त हुआ था।

[संख्या एल-43012/16/87-डी-3(बी)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 17th November, 1994

S.O. 3465.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the award of the Central Government Industrial Tribunal, Jabalpur (M.P.). As shown in the Annexure, in the industrial dispute between the employers in relation to the management of Malani Khand Copper Project, Hindustan Copper Ltd., and their workmen, which was received by the Central Government on 17-11-94.

[No. L-43012/16/87-D-III(B)]

B. M. DAVID, Desk Officer

#### ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT,  
JABALPUR (M.P.)

Case No. CGITH (R) (209) 1987

BETWEEN

Shri A. R. Jha, Sr. Fitter represented through the General Secretary, Malanjkhanda Shramik Sangh (AITUC), P.O. Malanjkhanda, District Balaghat (M.P.).

AND

The General Manager, Malanjhand Copper Project, Hindustan Copper Ltd., P.O. Malanjhand District Balaghat (M.P.).

moting Shri A. R. Jha, Sr. fitter as Asstt. Foreman (Mech.) and promoting his juniors is justified? If not, what relief the workman is entitled to?"

PRESENT :

Shri Arvind Kumar Awasthy, Presiding Officer.

APPEARANCES :

For Workman.—Shri Shailendra Mishra, Advocate.

For Management.—Shri R. K. Gupta, Advocate.

INDUSTRY : Copper Mine

DISTRICT : Balaghat (M.P.)

AWARD

Dated, November 8, 1994

This is a reference made by the Central Government in the Ministry of Labour vide its Notification No. L-43012/16/87-D.III(B) dated 7-10-1987 for adjudication of the following dispute :—

THE SCHEDULE

"Whether the action of the management of Malanjhand Copper Project in not pro-

2. The workman has prayed for the promotion to the post of Asstt. Foreman (Mechanical) and he has also prayed for the consequential relief. A letter was sent by the workman that he no longer desires to contest the matter and he will file the appeal to the management of Malanjhand Copper Project for considering his case for the promotion.

3. Shri S. K. Mishra, Advocate for the workman has also prayed that no dispute award be passed.

4. From the perusal of the letter filed by the parties it is clear that the workman has agreed for the withdrawal of the claim pending in the Tribunal.

5. Consequently, request of the management and the workman for passing no dispute award is accepted and the permission to the workman to withdraw the dispute is granted. Consequently, no dispute award is passed and parties are directed to bear their own costs.

ARVIND KUMAR AWASTHY, Presiding Officer